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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 March 2000, at 10.30 a.m.

Temporary Chairperson:	Ms. ANDERSON	(Ireland)
Chairman:	Mr. SIMKHADA	(Nepal)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-11674 (E)

The meeting was called to order at 10.40 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the fifty-sixth session of the Commission on Human Rights.

2. She hoped it would be possible for the Commission to take some practical steps during the current session to strengthen the protection of human rights defenders who were so courageous but also so vulnerable. History was on the side of human rights and the United Nations, as the custodian of universal values, had a unique responsibility therefor. The Commission, if it was to be credible and effective, must offer responses adapted to the needs of specific situations.

3. There must be no grounds for charges of selectivity: the moral outrage provoked by the Kosovo crisis must be maintained when confronting conflict situations in other parts of the world. Discomfort about criticizing the powerful nations of the world, if allowed to blunt the Commission's conscience, would corrode its authority. Moreover, the fact that a situation was being given little coverage by the mass media should not mean that it was overlooked by the Commission.

4. The Commission had the responsibility of helping to shape the changes brought about by, inter alia, the communications revolution and the steady development of international law. Above all, every individual had to be true to human values, the sense of human worth and the claim to human dignity if he or she was to live in peace with himself or herself.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

5. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the Commission's first session in a new century was a good time to recognize the central role played by human rights in international and national life, to appreciate what had been achieved over more than half a century and to assess the key challenges.

6. When the Commission had first begun its endeavours, it had committed itself to the establishment and implementation of an international bill of human rights. The result had been the Universal Declaration of Human Rights and the covenants and treaties that had been elaborated with the Commission's assistance. However, their implementation remained a challenge.

7. The Commission had been the central architect of United Nations work in the field of human rights. It embodied the conscience of humanity and the aspiration for a world of peace and development grounded in respect for human rights. The prestigious representatives from every region of the world who had attended the Commission's first session would undoubtedly be shocked by the current inequalities of the world, where a billion people lacked access to clean water and where thousands of children died each day from preventable diseases. The eradication

of extreme poverty was the greatest human rights challenge, and the Commission had the responsibility to develop the human rights framework within which it could be achieved.

8. Although great strides had been made in developing international norms, the challenges were still as great as they had been in 1945: to secure peace throughout the world on the foundation of human rights and to cooperate for accelerated economic and social progress, so that every person and every country could prosper in dignity, equality and enjoyment of the right to development.

9. With regard to the quest for peace, she invited the Commission to consider how human rights strategies could help prevent conflicts and how gross violations of human rights could be prevented through national, regional and international endeavours. The collective capacity for conflict prevention must be developed, and the gap between early warning and response must be bridged. War, internal conflicts, displacement of populations within and across borders and wanton breaches of human rights and humanitarian norms remained a feature of the times.

10. The Commission's fifty-fifth session had been held at the height of the conflict in Kosovo. She had submitted a series of reports to the Commission demonstrating her concern that the conflict was victimizing people on all sides and of all ethnic groups and had urged that a peaceful solution be reached that would respect human rights. Unfortunately, sustainable peace and respect for human rights had not come to Kosovo, in spite of the best efforts of the United Nations team there.

11. In June 1999, she had visited Sierra Leone in order to bear witness to the terrible suffering of the people of that country. The atrocities that had been perpetrated there were an affront to the conscience of the world. Yet, as was clear from the Secretary-General's report to the Security Council on civilians in armed conflict, the gross human rights violations committed in Sierra Leone were far from unique. Civilians had come to be regarded as legitimate instruments of terror, in blatant denial of the most fundamental human rights.

12. In recent months there had been well-documented allegations of serious human rights abuses in Chechnya, in the Russian Federation. She welcomed the fact that the authorities of the Russian Federation had agreed to allow her to visit the area. The civilian population was clearly facing a catastrophic situation as a result of the conflict. She would report to the Commission upon her return.

13. All allegations of gross violations must be rigorously and independently investigated. If they were proven to be well-founded, those responsible must be pursued and brought to justice. There must be no selectivity, no sanctuary and no impunity for those guilty of gross human rights violations. It was essential that the aftermath of serious and widespread human rights violations was dealt with, not only to secure the future peace of the societies concerned but also as a deterrent.

14. In September 1999, a special session of the Commission had been held to consider the situation in East Timor. She had visited the region in order to assess the situation and show solidarity with the thousands of innocent victims. The report of the Commission of Inquiry, set up as recommended at that session, had been submitted. Efforts were being made in East Timor

and Indonesia to bring to justice those responsible for the serious human rights violations and deal with the need for reconciliation within the framework of justice and truth. Credible and effective procedures were essential. United Nations assistance had been requested by both Indonesia and East Timor in that regard, and was being given high priority. Further information would be submitted to the Commission on developments relating to the situation in East Timor.

15. The Commission had before it some three dozen reports making up a global survey of shocking violations of human rights, including violations of economic, social and cultural rights. It was a healthy development that the Commission currently examined violations of economic, social and cultural rights as well as violations of civil and political rights. She hoped that, as it considered the reports, the Commission would indicate approaches and strategies for action to prevent such violations in each of the areas drawn to its attention. Only if such gross violations could be prevented would a universal culture of human rights be secured.

16. Such a universal culture could not exist in the midst of rampant global poverty. That was an issue which preoccupied the United Nations at large, its specialized agencies, other international and regional organizations, Governments and non-governmental organizations (NGOs). In its early days, the Commission had drafted the International Covenant on Economic, Social and Cultural Rights alongside the International Covenant on Civil and Political Rights. It had also initiated and drafted the Declaration on the Right to Development.

17. The Commission had currently the opportunity to provide leadership in making that human rights framework relevant to the forthcoming series of high-level meetings: the five-year review of the Beijing commitment to women's rights as human rights, the Social Summit to be held at Geneva in June 2000 and the millennium assembly in September 2000.

18. As it charted a course for dealing with the right to development and the realization of economic, social and cultural rights, the Commission would need to go beyond mere exhortations and identify the specificity of its contribution in that area. Some salient concepts would need to be borne in mind. In the first place, the reasoning of the international human rights movement and the explicit affirmation of the Declaration on the Right to Development was that primary responsibility to act for the realization of the right to development and in defence of economic, social and cultural rights rested with Governments. That reasoning remained valid in a rapidly globalizing society. While other actors, such as corporations, increasingly had a role to play, the primary responsibility still remained with national Governments.

19. The second concept was that Governments should pursue national plans and strategies aimed at the implementation of each of the rights in the International Covenant on Economic, Social and Cultural Rights as well as in the International Covenant on Civil and Political Rights.

20. The third concept was that of non-discrimination. The International Covenant on Economic, Social and Cultural Rights prescribed that a Government must use its best endeavours to achieve realization of each economic, social and cultural right by progressive measures. It also insisted that there should be no discrimination: if part of the population were being discriminated against by commission or omission, then immediate corrective measures must be put in place.

21. The fourth concept was that of international cooperation. The Covenant prescribed that the Economic and Social Council should lead efforts for international cooperation, including technical cooperation, and the contribution of the United Nations specialized agencies. It was partly for that reason that she had devoted her 1999 report to the Council to the realization of economic, social and cultural rights.

22. The fifth concept was provided in article 28 of the Universal Declaration of Human Rights, which called for a social and international order in which human rights and fundamental freedoms could be fully realized. From that perspective, the Commission had the responsibility of drawing attention to the impact of the prevailing international economic system on the realization of human rights. The widening gap between the richest and poorest countries, aggravated by the gap in access to information technology, was a fundamental human rights issue.

23. Awareness of those concepts would help sharpen the human rights dimension in poverty-alleviation strategies. It would also help to make the efforts of the working group on the right to development and the Committee on Economic, Social and Cultural Rights both relevant and practical. Human rights must be mainstreamed in the development process and kept at the forefront of government strategies.

24. Among the pressing human rights issues which needed practical attention was the phenomenon of trafficking in women and children, which went against the grain of any concept of human dignity or rights. The United Nations was currently working to strengthen protection against trafficking in human beings, and she appealed to the Commission to help raise the profile of the issue and contribute to the eradication of trafficking.

25. With regard to the rights of the child, welcome breakthroughs had been made in the agreement on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and substantial progress had been made on the draft optional protocol on the sale of children. Nevertheless, slavery and slavery-like practices persisted in many parts of the world and were documented yearly by the Sub-Commission's Working Group on Contemporary Forms of Slavery. She appealed to the conscience of the Commission to act against that dreadful phenomenon.

26. Racism, racial discrimination, anti-Semitism and similar discriminatory practices still abounded. She looked forward to the support of the Commission in making the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance a truly outstanding and effective event.

27. She also wished to draw attention to the plight of minorities, indigenous peoples and migrant workers, all of which groups suffered discrimination and degradation and needed special protection. She called for the consideration and adoption of the draft declaration on the rights of indigenous populations to be accelerated. She further appealed for additional ratifications of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with the view to strengthening the international legal regime for the protection of the people concerned.

28. There was a compelling need to take further steps to protect human rights defenders. The Declaration on Human Rights Defenders, which had been adopted by the Commission in 1998, must be implemented by means of practical measures.

29. Developing strategies in her Office proceeded from the premise that Governments must be supported in their national strategies for the promotion and protection of human rights. Emphasis was therefore being placed on support to Governments for ratifications, national plans of action, national institutions for the promotion and protection of human rights, regional and international exchanges of experience, technical cooperation at the request of Governments and the development of field presences where they were found useful.

30. Those themes had been highlighted in the first annual appeal she had launched at the beginning of 2000, and took centre stage in the regional and subregional activities being organized in different parts of the world. Substantial field offices were in place in several countries and field programmes or offices in a number of others.

31. Her Office was working closely with the Department of Peacekeeping Operations and the Department of Political Affairs in the design, staffing, strategies and operation of human rights components of peacekeeping and peace-building operations. It was participating in early-warning committees at United Nations Headquarters, cooperating with the Office of the Secretary-General on early warning and prevention and working closely with the Office for the Coordination of Humanitarian Affairs (OCHA) in responding to emergencies. It was also working closely with the United Nations Development Programme (UNDP), and welcomed the fact that the Human Development Report for 2000 would focus on human rights. Its relationship with the specialized agencies and the World Bank had intensified, and it cooperated with regional organizations on mainstreaming human rights and conflict prevention and the development process. The Commission had been active in many of those fields, and in providing guidance to her Office.

32. The responsibility of the Commission was of the highest order. It had a tradition of constructive contribution that must be built upon: it was and must remain an organ of conscience and justice. There were many urgent problems to be addressed, and the mainstreaming of human rights was of prime importance. She was confident that the high standards of the Commission's work would be maintained, and encouraged its members to continue to provide the strong leadership in human rights which the world required of it, and which was needed more than ever.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

33. The TEMPORARY CHAIRPERSON invited the Commission to turn to item 1 of its provisional agenda (Election of officers).

34. Mr. WIRAJUDA (Indonesia), speaking on behalf of the Asian Group, nominated Mr. Simkhada (Nepal) for the office of Chairman.

35. Mr. SOMOL (Czech Republic), speaking on behalf of the Eastern European Group, Mr. AYEWOH (Nigeria), speaking on behalf of the African Group, Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the Western European and Others Group, and Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Latin American and Caribbean Group, supported the nomination.

36. Mr. Simkhada (Nepal) was elected Chairman by acclamation.

37. Mr. Simkhada (Nepal) took the Chair.

38. The CHAIRMAN invited nominations for the three offices of Vice-Chairman and for the office of Rapporteur.

39. Mr. PADILLA MENENDEZ (Guatemala), speaking on behalf of all the regional groups, nominated Mr. Jakubowski (Poland), Mr. Ibrahim (Sudan) and Mr. Rodriguez Cedeño (Venezuela) for the office of Vice-Chairman and Ms. Gervais-Vidricaire (Canada) for the office of Rapporteur.

40. Mr. Jakubowski (Poland), Mr. Ibrahim (Sudan) and Mr. Rodriguez Cedeño (Venezuela) were elected Vice-Chairmen by acclamation and Ms. Gervais-Vidricaire (Canada) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRMAN

41. The CHAIRMAN said that his country, which had been living in "splendid isolation" at the time of the adoption of the Universal Declaration of Human Rights, had since become a constitutional monarchy with a multiparty democracy, adult franchise, an independent judiciary and basic human rights. He took it as a compliment to the small Himalayan Kingdom that he had been elected to preside over the fifty-sixth session of the Commission, which was taking place at the crossroads of the twentieth and twenty-first centuries.

42. The Secretariat had to operate within strict limitations of resources and manpower. If the increasing demand for services was to be fulfilled, the level of resources available to the Office of the High Commissioner must be enhanced. He therefore pledged SwF 10,000 as a token of support from his Government for the High Commissioner's Consolidated Inter-agency Appeal (CAP) 2000.

43. As many as 1.2 billion people - one in every five of the human family - lived in a state of poverty, engaged in a constant struggle for food, education and health. The recent humanitarian tragedies in Mozambique and Madagascar should not overshadow the deprivation in which their peoples constantly lived. He also deplored the gross violations in conflict situations and the range of abuses of civil and political rights, including discrimination based on race, religion and related intolerance. The victims of both destitution and persecution deserved better protection.

44. There had, however, also been some important achievements in the course of the long journey towards freedom from fear and want. The importance of human ingenuity for economic prosperity and freedom had been realized to a remarkable extent. Significant gains had been

made in social development through the actions of Governments, organizations and individuals. The Commission had played an important role in that regard. The work on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, the appointment of the Chairman of the working group on the right to development and the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission clearly demonstrated that the consensus and cooperation approach could bear fruit. The real challenge to the members of the Commission was to understand the realities of the global village, respecting inherent differences but trying to bridge any gaps.

45. He would follow the tradition of his predecessors in starting on time, insisting on adherence to time limits for speeches, maintaining quiet within the hall and encouraging joint statements in order to save time and resources. Serious problems should be discussed with objectivity but without selectivity and there should be greater self-appraisal, making the Commission a forum for dialogue and cooperation. Consensus should be built around the core of the shared values of humanity, beginning in the soul of each individual and finding its collective expression in the Commission and beyond. The Asian approach of tolerance and respect could best inspire the quest for the universal realization of dignity and rights for all human beings.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/2000/1 and Add.1)

46. The CHAIRMAN drew attention to the provisional agenda (E/CN.4/2000/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure.

47. The agenda was adopted.

The meeting rose at 11.55 a.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CROATIA

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GE.00-11744 (E)

The meeting was called to order at 10.05 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/2000/8)

1. The CHAIRMAN drew the Commission's attention to the draft timetable for the consideration of agenda items, proposed by the Bureau, which was annexed to the order of the day, and informed it of the Bureau's decision to hold its meetings on Tuesdays and Fridays at 8 a.m. and at any other time that might prove necessary.

2. With regard to speaking time, the Bureau recommended that members of the Commission should be allowed one statement of 10 minutes or two statements of five minutes per item, while all observers, whether representing Governments or intergovernmental organizations, and non-governmental organizations (NGOs) should be allowed one statement of five minutes per item. An NGO would be limited to six statements per session. If joint statements were made by States or by NGOs, more time would be given to the speakers, within reasonable limits. If, following a collective statement by a group of States, one of them wished to take the floor again under the same item, the State concerned would have half the time normally accorded.

3. The Bureau proposed the following time limits for joint statements by NGOs: 5 minutes for 2 NGOs; 7 minutes for 3 to 5 NGOs; 10 minutes for 6 to 10 NGOs; and 12 minutes for more than 10 NGOs. All joint statements by NGOs would head the list of NGO speakers, if a request to that effect was made. In view of the limitation to six statements per NGO per session, a joint statement would count as one third of a normal statement.

4. With regard to States, whether members or observers, which were the subject of specific Commission reports or were regarded as concerned countries by the Bureau, the recommendation was that five minutes would be added to their normal speaking time on the item in question. In other words, members would be allowed to speak for 15 minutes and observer States for 10 minutes in total; if they so desired, their total speaking time could be divided into two separate statements.

5. Special rapporteurs, representatives, independent experts and chairpersons of working groups would be allowed an introductory (initial) statement of 10 minutes (plus 2 additional minutes for each mission undertaken by thematic rapporteurs) and concluding remarks lasting 5 minutes, if requested. All independent experts, special rapporteurs, etc. should be present in the conference room throughout the consideration of the relevant agenda items.

6. Guest speakers and dignitaries would be allowed up to 15 minutes. Rights of reply would be limited to two replies: three minutes for the first and two for the second. All rights of reply would be exercised at the end of the normal working day or of the general debate on a particular item. National human rights commissions or institutions would be allowed one statement of up to seven minutes. The introduction of consensus draft resolutions by one of the sponsors would be limited to three minutes. More time could be permitted for the introduction of other draft resolutions.

7. The list of speakers was opened at the beginning of the session for all participants speaking on any agenda item. There would be separate lists for members of the Commission, for observers and for NGOs; and statements would always be made in that order. If the list of speakers had not been exhausted during a particular meeting, those who had not spoken would speak first, in the same order, at the following meeting. The closure of the list of speakers on any particular item would be announced by the Chairman in good time.

8. Draft resolutions and decisions should be submitted, with due respect for editorial and other requirements, at least three working days before the date on which they were scheduled to be put to the vote. The deadline for the submission of draft resolutions would be set by the Chairman in consultation with the Bureau and announced in good time. There would be no requirement for a quorum except for meetings at which a vote was to be taken.

9. As for points of order, the Bureau recommended that the observer for Palestine should continue to be given the right to raise points of order relating to Palestinian and Middle East issues. States Members of the United Nations but not members of the Commission, participating in its work as observers, would also have the right to raise points of order. The use of points of order to interrupt the statements of guest speakers in order to express disagreement or provide arguments in favour of or against questions of substance raised by such speakers would not be admissible.

10. The Bureau recommended that agenda item 4 should remain open throughout the session.

11. As in previous years, a number of invitations should be extended in connection with the consideration of certain agenda items. The list of persons to be invited would be distributed to all members.

12. The Bureau recommended that action on all draft proposals by the Sub-Commission should be taken under the relevant items of the Commission's agenda.

13. Written statements submitted by NGOs could, as an exceptional and temporary measure, be circulated in the original language only, on the understanding that they would be translated into the three working languages after the session.

14. Mr. FERNANDEZ PALACIOS (Cuba) requested that delegations be given more time to consider the Bureau's recommendations, some of which would materially affect the way in which the Commission went about its work. In particular, his delegation was not yet in a position to agree to the adoption of the draft timetable. He suggested that a decision should be taken at the end of the debate on agenda item 3.

15. Ms. KUNADI (India) said that the recommendations - some of which were routine while others were innovative - might be circulated to delegations, thus providing scope for consideration and avoiding any possible misunderstandings.

16. The CHAIRMAN said that the representative of India had made a constructive suggestion. A decision would be reached later.

17. In reply to a question from Mr. LONG (United States of America), he said that, until a decision on how to proceed was taken, the Commission would follow past practice.

18. Mr. WIRAJUDA (Indonesia), speaking on behalf of the Asian Group, emphasized the need to streamline and rationalize the Commission's working methods, particularly if it was to achieve a more harmonious environment that would be conducive to consensus-building. Further efforts should be made to test effective time-management methods, limit additional meetings and facilitate and rationalize NGO participation, in conformity with the relevant Economic and Social Council resolutions.

19. The extended Bureau was a good management tool and an effective means of facilitating broad-based decision-making, but its work should be confined to managerial tasks. It could not be a substitute for the intergovernmental decision-making process or the human rights monitoring mechanisms, which would continue to be governed by the Commission or the relevant treaty provisions. His Group hoped, however, that the Bureau and Secretariat would continue to provide the necessary offices and computer facilities for the regional group coordinators.

20. The Commission should clarify the role of NGOs in such a way as to ensure that their participation enhanced its ability to address human rights issues in a more effective manner. The Secretariat should therefore ascertain the status of NGOs prior to the session and examine requests to make statements, so as to prevent unauthorized participation. Joint statements could be encouraged as a means of saving time and resources. Such action would help to ensure that NGO participation was objective and representative and to enhance cooperation between Governments and NGOs.

21. There had been several instances where accreditation procedures had not been fully complied with or had been abused to advance interests other than those of human rights. In 1999, one NGO had had its consultative status withdrawn for violating such procedures. In other instances, certain groups had misled some NGO representatives into unwittingly subscribing to documents. Such exploitation not only disrupted the Commission's deliberations but also undermined the valuable contributions of the many responsible NGOs. Wherever there was evidence of such abuse, therefore, the matter should be addressed and redressed immediately by an intergovernmental body, such as the Committee on Non-Governmental Organizations. It would also, of course, be open to the Bureau to consider whether it should take any action during the session.

22. The opportunities for consultation and consensus-building should be further examined and developed. The current session should provide particular potential for that approach: consensus had been reached on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. An important consensus had also been reached in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission. Such developments were important, since they ensured a greater degree of compliance and cooperation from Member States, as well as encouraging wider international cooperation for the promotion and protection of human rights. Consultations should therefore be

more frequent on as many draft resolutions as possible. All negotiations should be announced in advance and conducted in a transparent manner, without marginalization of the smaller delegations.

23. The Asian Group continued to advocate that the session be reduced to four weeks. Agenda items could be biennialized and clustered, resolutions reduced in number and length and time limits enforced without prejudice to the Commission's mandate. The Commission's cost-effectiveness would thereby be enhanced. It was imperative that documents be distributed well before the session.

24. With regard to the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, he hoped that the consensus reached would not be reopened and that a constructive approach would be taken, under agenda item 20, to the adoption of its report (E/CN.4/2000/112). The implementation of the report's recommendations should be in accordance with the appropriate legislative authority and procedures. On certain issues, such as interactive debate, the Commission would need more time to consider how such a debate should be conducted. All in all, however, the Working Group had demonstrated how much could be achieved if there were a harmonious atmosphere.

25. Mr. WANG Min (China) said that, while the Commission had made its due contribution to the promotion and protection of human rights throughout the world, some unhealthy factors had obstructed it from conducting its work normally and efficiently. Guiding principles should be established and working methods rectified in order to lead the Commission into the next century in an atmosphere of dialogue and cooperation. First of all, there should be calm, in-depth discussion on human rights issues, untainted by cold-war practices and ideology. Domestic political strife should not be allowed to obstruct the Commission's work. It was gratifying that more and more countries supported dialogue and opposed confrontation.

26. Secondly, equal emphasis should be placed on all human rights. The realization of the right to subsistence and the right to development formed the basis for the full realization of all other human rights and was of greater urgency to the developing countries, which accounted for the greater part of the world's population. The Commission had already made some efforts to redress the imbalance between the two categories of rights; the momentum should be maintained.

27. His delegation felt that the suggestion that Commission sessions be reduced to four weeks by reclustering and biennializing agenda items, among other measures, was a feasible one. The Commission should put it into effect as soon as possible, while debating the organization of its work and working methods.

28. Lastly, the consensus achieved, by great effort, in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission proved once again that no problem was beyond resolution, if all parties were sincere and ready to engage in dialogue and cooperation. His delegation supported the position expressed by the representative of Indonesia, on behalf of the Asian Group, with regard to the review and adoption of the Working Group's report.

29. Mr. AKRAM (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said that Islam was a religion of peace and OIC members took particular interest in the Commission's work. Efforts to promote and protect human rights should be imbued with the principles of respect and tolerance towards all cultures. Most of the rights enshrined in the Universal Declaration on Human Rights had been defined by Islam more than 1,400 years previously.

30. The OIC continued to be actively concerned with human rights situations in various parts of the world. In January, an OIC ministerial delegation had visited Moscow to discuss concrete steps towards resolving the Chechen crisis; while stressing respect for the sovereignty and territorial integrity of the Russian Federation, the delegation had expressed concern over the continuation of hostilities in Chechnya and the ensuing humanitarian catastrophe.

31. The inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights had succeeded in forging a consensus on some highly controversial issues; that delicate balance must be preserved. Implementation of the proposed review package would enable the United Nations to focus on the promotional aspects of human rights. Cooperation between human rights mechanisms and individual States should be based on the definition contained in the Charter of the United Nations. Despite the efforts that had been made, the consultation process in the Commission continued to lack transparency, especially with regard to "country resolutions".

32. Adherence to the principles of objectivity and non-selectivity required by the Vienna Declaration would also serve to reduce political tensions and acrimony within the Commission. It was regrettable, for example, that the situation in one OIC member State had been under consideration for 17 years, despite acknowledgement by the international community of the progress it had made in the field of human rights. The Commission should focus on giving balanced consideration to situations of ongoing conflict where human rights were in greatest jeopardy.

33. When discussions and consultations were being scheduled, due consideration should be given to the problems of small delegations. In particular, the schedule for negotiations on draft resolutions should be clearly posted both in the conference room and on the UNHCR website at least 24 hours in advance. The possibility of instituting certain structured negotiations should also be examined. It was to be hoped that the established rules governing NGO participation would be properly respected.

34. At recent sessions of the Commission, slanderous attempts had been made to misrepresent the divine tenets of Islam, in order to cast the religion in a negative light. The right of freedom of expression brought with it enormous responsibilities. In a spirit of cooperation and constructive dialogue, all parties must refrain from attacking other beliefs or philosophies. The OIC would be submitting an updated version of its resolutions on the defamation of religions.

35. Ms. KUNADI (India) said that the working methods of the Commission must be kept under constant review with a view to enhancing their effectiveness and ensuring wider acceptability of the outcomes of sessions. It was necessary to achieve more cooperative work

arrangements, better time management and fuller contribution by NGOs, in conformity with the relevant Economic and Social Council resolutions. In that connection, her delegation endorsed the statement by the representative of Indonesia as coordinator of the Asian Group.

36. There had been some notable inter-sessional developments, including the consensual outcome of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, which had been possible thanks to the efforts of all parties. Her delegation supported the implementation of the report of the Working Group (E/CN.4/2000/112), providing that the legal requirements were met.

37. An appraisal of the progress to date would be useful. Timely availability of documentation, greater transparency with respect to draft resolutions, and further rationalization of the agenda would further enhance effectiveness. Politicization of the Commission's work should be avoided, as should confrontational approaches.

38. Her delegation supported the continuation of the extended Bureau, which ensured effective interaction with the various regional groups. The Bureau's role should, however, be confined to managerial tasks related to the Commission's work. It was to be hoped that the current session would yield positive results, especially on the issue of promotion of the right to development.

39. Mr. ALFONSO MARTÍNEZ (Cuba) said he noted that increasing numbers of dignitaries were participating in the Commission's work, to which they made an irreplaceable contribution, and expressed concern at the possibility of their being rudely interrupted if they exceeded their allocated speaking time of 15 minutes. While his delegation was not in favour of a return to the former practice of according unlimited time to such interventions, it thought that a limit of 15 to 20 minutes should be suggested only. Flexibility was essential, as was normal courtesy. At the very most, its suggestion would require one additional meeting per session. The proposed "special debate" and "interactive debate" were surely not more important than allowing high-ranking office-holders to have their say. If a dignitary from a member or observer State exceeded the time limit, the State in question could have the time for its next statement reduced.

40. With regard to the draft time-table, it was his delegation's view that item 9 should be voted upon in the fifth week of the session, as had been done the previous year, so as to postpone as long as possible the poisoning of the atmosphere in the Commission that regularly resulted therefrom. Thursday, 20 April 2000 seemed the most appropriate day.

41. The crisis relating to the organization of work arose from a lack of time to deal with the Commission's agenda properly. Despite the increase in the number of members of the Commission since 1992, as well as in the number of observers and NGOs attending its sessions and the number of issues covered, together with the consequent proliferation of draft resolutions, documentation and special procedures, only 63 meetings were scheduled for 2000, as compared with 70 in 1997.

42. It seemed that every effort was being made to limit the time available for consultations, with an effective reduction of 50 per cent over the past five years. Contrary to the principle of

full participation, the speaking time for NGOs had also been halved. Quality of debate within the Commission was being undermined by such restrictions. His delegation would revert to the subject under agenda item 20 and submit some formal proposals.

43. Mr. PALIHAKKARA (Sri Lanka), having endorsed the statement by the representative of Indonesia on behalf of the Asian Group, urged that the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112) be considered under agenda item 20 and its recommendations implemented as soon as possible.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF VENEZUELA

44. Mr. RANGEL VALE (Venezuela) said that his country was undergoing a significant political and institutional transformation. The promotion and protection of human rights were being given priority in both domestic and foreign policy and the right to life and social justice, as intrinsic components of a State subject to the rule of law, were in keeping with the aspirations of society.

45. The new Constitution, which reflected the most recent developments in international human rights law, gave full effect to all the human rights instruments to which Venezuela was a party. It obliged the authorities to investigate and punish human rights violations committed by State agents and to compensate the victims. It included machinery to overcome impunity, to prevent and punish torture and enforced disappearances, to educate the security forces in respect for human rights and to defend the rights of vulnerable groups. The ordinary courts were given exclusive competence to deal with offences of violation of human rights and the scope of the military courts was restricted. The death penalty had been abolished. The post of ombudsman had been created and a human rights defender had been elected in each state.

46. The indigenous issue was also being addressed in accordance with its social importance, the rules of the various international instruments and the relevant developments in international law. For the first time in the country's history, indigenous people were able to participate directly in the taking of major political decisions. Three indigenous representatives had been elected by the own communities to the Constituent National Assembly that had drafted the Constitution.

47. The process of incorporating human rights into the law of the land had not ended with the adoption of the new Constitution. Other legislative and administrative measures were being adopted to apply the provisions of the Constitution. His Government was convinced that the defence and protection of human rights was linked to democracy and its development and that there could be no democracy without respect for human rights.

48. At the international level, Venezuela had always been active in defending human rights. His Government had thus expressed its firm support for the Commission's work while rejecting any politicization or interested manipulation of that work and emphasizing cooperation rather than condemnation. Venezuela hoped to remain on the Commission for a further term and he was grateful to the Latin American and Caribbean Group for supporting its candidature.

49. His Government supported all efforts made in the treaty bodies and other international organs to ensure that States complied with the obligations they had freely assumed in respect of human rights but it firmly opposed the attempts by certain States to establish unilateral mechanisms for investigating the compliance of other States with their international obligations. There must be strict respect for national sovereignty.

50. The work accomplished on the new draft protocols to the Convention on the Rights of the Child was very satisfactory. When completed and adopted, those protocols would fill notable gaps in the Convention. Much still remained to be done, however.

51. The effect of globalization on developing countries was inextricably linked to the right to development. In those countries, increased trade and capital flows had only exacerbated poverty, increased unemployment and widened income disparities. Developing countries had been steadily marginalized by the adjustment and opening process dictated since the 1980s by the so-called Washington consensus. Appropriate measures must be devised as a matter of urgency to relieve the effects of structural adjustment and to alleviate foreign debt, so that development could begin again. The responsibility for good governance lay primarily with national Governments but the international community also had obligations that it could not afford to ignore. The right to development must be seen as an inalienable right. To that end, as the protestors at Seattle had made quite clear, the world economic paradigm had to be rethought.

STATEMENT BY THE VICE-PRESIDENT OF COLOMBIA

52. Mr. BELL LEMUS (Colombia) said that, despite his country's well-established democratic traditions and its rich natural and human resources, the social and economic inequalities common to all developing societies had contributed to the emergence of major problems such as drugs trafficking and insurgency. The human rights situation was directly affected by the internal conflict in the country, which had been exacerbated by the indiscriminate aggression of insurgent and self-defence groups. Their conspicuous disregard for basic international humanitarian law was having a severe impact on the civil population, whose fundamental rights were repeatedly violated.

53. There was always room for improvement in human rights even in times of peace, but the complexity of Colombia's situation made it particularly difficult for the State to reconcile the demands of the legitimate defence of the nation with the requirements for peace and security. President Pastrana's Plan Colombia was an attempt to do so by promoting a negotiated solution to the conflict. The aim was to pave the way for peace through economic recovery, the strengthening of defence and national security and the judicial system, the defence of human rights and social development.

54. The peace process was based on the principles of territorial integrity, democracy and human rights. The key difference between the current and past initiatives was that the aim was ultimately to demobilize and reintegrate ex-combatants into society. It was recognized that, in order to achieve sustainable peace, political, legal, social and economic reforms were needed.

55. Substantial progress towards a negotiated settlement had been made since his Government had first initiated exchanges with the Revolutionary Armed Forces of

Colombia (FARC). A "Common Agenda for Change" had been agreed, after which mechanisms for public participation had been established, including a national committee responsible for organizing public hearings and receiving proposals from the general public. A Negotiation and Dialogue Board was responsible for the agreed agenda, which fell into three broad areas: the social and economic structure; human rights, international humanitarian law and international relations; and democracy and the political structure of the State.

56. Progress had been made in defining a basis for negotiation with the National Liberation Army (ELN), and the Government had urged rebel groups to sign humanitarian agreements in order to spare the civilian population the adverse effects of the conflict and to pave the way for a negotiated settlement.

57. Consistency in government policy was essential to State cooperation with civil society and the international community, and the Government had produced inter-agency guidelines on promoting and guaranteeing human rights and implementing international humanitarian law. The Government was committed not only to protecting but also to guaranteeing human rights, and it was working to prevent violations and punish perpetrators, to compensate victims and help them to reintegrate socially.

58. Although it was necessary in such a complex situation to adopt peremptory measures, Colombia had a long-term human rights policy of cooperation with civil society in order to rebuild a set of values based on solidarity and tolerance. A central aim was to foster among the agents of the State and the population at large an awareness of the enforceability of human rights and their fundamental place in a culture of lasting peace.

59. The continued spread and escalation of the internal conflict was the principal cause of serious and systematic violations of fundamental rights and posed a constant threat to democratic institutions. The State had a constitutional duty to fight the rebels in legitimate defence of the rule of law, and it had inflicted serious losses on the rebel forces during 1998-1999. Rebel forces had stepped up their action against civilians, using weapons with indiscriminate effects, such as gas, and were engaging in large-scale kidnapping to swell their coffers and acquire heavier weaponry, but also as a systematic means of intimidation. His Government had given the Ministry of Justice and Law the task of coordinating a programme for the protection of personal freedom.

60. State policy to counter the so-called self-defence groups involved, on the one hand, direct combat and, on the other, the removal of the factors that contributed to the emergence of such groups. Direct operations by the armed forces had resulted in serious losses by the self-defence groups.

61. His Government wished to demonstrate that there were no official links between the forces of law and order and the self-defence groups and, to that end, had established a procedure similar to that already operating in the National Police, whereby the President of the Republic would dismiss any members of the armed forces who proved inefficient or gave unsatisfactory service in the fight against illegal armed groups. Moreover, a basic criterion for the promotion of members of the forces of law and order would be respect for human rights and effective action against armed groups.

62 Since the introduction of a new police and armed forces training programme including a human rights element, the number of allegations of human rights violations made against the forces of law and order had fallen drastically.

63 Greater efforts were being made to protect human rights defenders and trade union leaders. A US$ 4 million investment programme for the protection of witnesses and threatened persons had been established by the Ministry of the Interior. It was designed to protect the headquarters of human rights NGOs and trade unions and to provide personal protection for human rights defenders, including journalists.

64 An action plan had been implemented to prevent forced displacement and to care for displaced persons, and the Social Solidarity Network had established a joint technical unit with the Office of the United Nations High Commissioner for Refugees (UNHCR) to design and implement the required operation models.

65 With a view to ending impunity, a special committee, chaired by himself and including the Minister of the Interior, the Attorney-General and the Procurator-General, had been formed to promote the investigation of human rights violations.

66 Legislation was another central aspect of national human rights policy. One area in urgent need of reform was that of the military courts and, in June 1999, Congress had enacted legislation containing the new Military Penal Code, which had been brought fully into line with the 1991 Constitution and incorporated various Constitutional Court rulings. Congress had also passed an act defining the crimes of genocide, forced disappearance and forced displacement and modifying the definition of torture. A draft revised Penal Code was currently before Congress, one innovative aspect of which was the definition of a group of offences as violating international humanitarian law.

67 In the area of children's rights, legislation had been passed prohibiting the enlistment of persons under the age of 18 in the armed forces and punishing the recruitment of children by non-State armed groups. His Government particularly welcomed the approval of the text of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts and urged approval of the text of the draft optional protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography.

68 In December 1999, Colombia had signed the Statute of the International Criminal Court and his Government had immediately set up an expert group to assess the constitutional and legal implications of ratifying the Statute. In January 2000, the Executive had approved the Act to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. After informal consideration by the Constitutional Court, the Government would deposit the instrument of ratification. An exchange of notes had also taken place extending the agreement on the establishment of a branch of the Office of the High Commissioner for Human Rights in Colombia.

69. For Colombia, adherence to democracy, the preservation of the rule of law and respect for human rights and international law were fundamental principles. Democracy in Colombia was under threat, but the fight to defend it would not be abandoned.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SWITZERLAND

70. Mr. DEISS (Switzerland) said that the promotion of human rights, democracy and the rule of law was a prime objective of his country's foreign policy. Swiss human rights policy was universal and took no account of the political, economic or social systems of those who violated human rights, or their geographical location. Action was based on objective criteria determined by international law and on reliable, factual information.

71. Switzerland would probably ratify the Statute of the International Criminal Court in 2001. That Statute was a major step forward in the protection of human rights and it was to be hoped that the 60 ratifications needed would be received before the shocking crimes so recently committed began to fade from memory. Switzerland also intended to ratify the ILO Worst Forms of Child Labour Convention, 1999 and the Convention on the Prevention and Punishment of the Crime of Genocide.

72. The Commission's work was central to the attainment of the objectives of the Charter of the United Nations and he was pleased to welcome its members to Geneva. He also welcomed the representatives of indigenous peoples and said he believed that Geneva would be the ideal location for the proposed permanent forum for indigenous peoples, which would shortly, he hoped, be created. He paid tribute to the work of the High Commissioner for Human Rights and her staff.

73. His Government's priorities for the fifty-sixth session of the Commission revolved around prevention, protection and promotion. It called on all States to finalize negotiations on the optional protocol to the Convention against Torture, an instrument of preventive diplomacy whose adoption Costa Rica and Switzerland had been proposing since 1992.

74. Despite the adoption in 1998 of the Declaration on human rights defenders, violation of their rights had not abated. It was clearly not enough to adopt an international agreement - it had to be implemented by the States. His delegation recommended the establishment of a monitoring mechanism and a post of special rapporteur to supervise technical assistance to States in implementing the Declaration.

75. Switzerland had for several years, in common with other States, promoted the idea of fundamental humanity standards. Such principles were essential in order to protect people in situations of internal violence. They could be based on existing international human rights law and humanitarian and refugee law and he hoped that the Commission would take up a strong position in favour of such standards.

76. With regard to the promotion of peace, priority should be given to protecting young people, particularly those involved in conflicts. His Government therefore welcomed the approval of the text of the long-awaited draft optional protocol on the involvement of children in

armed conflicts, which had been negotiated with the help of a coalition between Switzerland, other States and NGOs. States next had to accept their new obligations and translate them into action.

77. Turning to the human rights situation in particular countries, he said that, the human rights situation in China had not progressed well. His Government was still very concerned at the severe repression of minorities and religious groups, including Tibetans and members of democratic movements seeking to exercise their rights by participating in political activity.

78. His Government called on the Russian Federation to carry out full investigations into the atrocities such as summary executions and torture allegedly committed in Chechnya and to bring those responsible to justice. It invited the Russian authorities to cooperate with the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and international humanitarian organizations.

79. His Government was concerned at the way in which the death penalty continued to be applied in certain countries, including the United States, and to be used against minors and after procedures that did not always provide every judicial guarantee. It called on all countries to ratify the relevant instruments protecting individual rights at both the domestic and international levels.

80. In Kosovo, inter-ethnic violence and atrocities against members of minority groups must be strongly condemned. His Government called on the local leaders to renounce the cycle of violence and do all in their power to promote respect for individual human rights, tolerance and peaceful coexistence.

81. In conclusion, he said that the simplicity of the vision of the inherent dignity and inalienable rights of the individual set forth in the preamble to the Universal Declaration of Human Rights remained fully valid after 50 years. It only remained to act to ensure those rights.

STATEMENT BY THE MINISTER OF JUSTICE AND HUMAN RIGHTS OF GABON

82. Mr. MISSONGO (Gabon) said that, in the past 10 years, many countries of the world, particularly African countries, had entered a phase of political transition. Some of them had made considerable progress, while others had encountered obstacles. In countries on the road to democracy there was frequently a gap between the lofty aspirations of the people and their limited understanding of political systems and representative government. Most countries were currently implementing political and economic reforms which, although they would be beneficial in the long term, were the cause of tension and compromise in the short term.

83. Recognition should, however, be given to the progress that had been made. In Africa, there had been a noticeable advance in civil liberties and there was greater political freedom than 10 years previously. The question was how to bolster and consolidate such progress towards democracy.

84. Peace was always a key factor in development and progress. Gabon had organized the RECAMP peacekeeping operations in Lambaréné in January 2000, with the participation of forces from a number of Central African countries and logistic support from several Western countries.

85. Being well aware that respect for human rights was essential for democracy and social peace, Gabon was pursuing a vigorous policy for the promotion and protection of such rights. A Ministry of Human Rights had been established, human rights material was on the curriculum at all educational levels and an interministerial committee had been established to scrutinize the law for clauses that were discriminatory, against women in particular. His country had demonstrated its commitment to the principles governing national and international peace and security through its attempts to mediate in regional conflicts, by hosting refugees from Central Africa and by organizing relevant regional conferences.

86. Human rights were not dependent solely on the internal situation in any one given country, but were also affected by the amount of international support that was forthcoming. For example, Africa was unable to provide proper care for AIDS victims and the amount of aid given by international donors was insufficient.

87. In conclusion, he expressed the hope that the resolutions to be adopted by the Commission would help to strengthen world peace.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CROATIA

88. Mr. PICULA (Croatia) said that, while his country was cooperating fully with the United Nations High Commissioner for Human Rights, it was dissatisfied with the omnibus resolution on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina, as well as with the mandate of the Special Rapporteur as it related to Croatia. His Government considered that the human rights situation in the three countries was markedly different. Successive special rapporteurs had seldom focused on the significantly different levels of human rights protection and cooperation provided by each country. Given that there was no comparison between the situation of human rights in each of the three countries, it was high time that the omnibus resolution was reconsidered. The mandate of the Special Rapporteur for the Republic of Croatia should be terminated and Croatia should be excluded from the omnibus resolution.

89. His country continued to play an active role in the work of the Stability Pact for South-East Europe, being convinced that the Pact was the best way to achieve its strategic foreign policy goals. Stability was essential to security, democratization, human rights, economic development and cooperation. Every effort was being made to create an environment in which the foundations could be laid for a peaceful and stable future. He hoped that the international community would support the momentum achieved within the Pact.

90. The return of refugees and displaced persons was the most important humanitarian issue facing his Government, which had assumed responsibility for all its citizens without discrimination and was determined to oppose any attempt to divide returnees into ethnic categories. It was also anxious to accelerate the pace of return and the reintegration of refugees.

He expressed his satisfaction with the security situation in the Danube region and with the cooperation between the OSCE Police Monitoring Group and the local Croatian police.

91. As part of its task of establishing full parliamentary democracy and rebuilding civil society, his Government would ensure the independence of the media, protect and promote minority rights and create a new climate in which NGOs would, in partnership with the Government, implement a series of programmes designed to promote, inter alia, minority rights, welfare services, the protection of the environment and gender equality.

92. Good relations with its neighbours were a foreign policy priority for Croatia. His Government fully respected the independence and territorial integrity of Bosnia and Herzegovina, would endeavour to implement in good faith the Agreement on the Normalization of Relations with the Federal Republic of Yugoslavia, and intended to cooperate with the International Criminal Tribunal for the Former Yugoslavia. He hoped that his country's cooperation with the Tribunal would encourage others to support the establishment of the International Criminal Court.

93. The challenge of the twenty-first century was to ensure that the number of those enjoying their human rights throughout the world was commensurate with the increase in the world's population.

The meeting rose at 12.55 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 March 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

The meeting was called to order at 3.35 p.m.

STATEMENT BY MR. JAIME GAMA, MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL

1. Mr. GAMA (Portugal), speaking on behalf of the European Union and the Central and Eastern European countries associated with the European Union, or Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and the associated countries of Cyprus, Malta and Turkey, stressed the importance of human rights in modern foreign policy and the need to enforce them, irrespective of place, ethnic origin, gender, religion or belief. It was therefore the duty of the international community to intervene whenever and wherever human rights violations occurred and to call on the States concerned to end the violations and bring the perpetrators to justice. It should also be noted that human rights were not only universal, but also indivisible and interdependent, and that civil and political rights could not be separated from economic, social and cultural rights. To achieve progress in the area of human rights, it was necessary to redefine and deepen approaches. The European Union was currently drafting a European Charter of Human Rights, through which it sought to establish a comprehensive code of common values in order better to protect those living in European Union countries.

2. It was also necessary to draw positive aspects from the new challenges to the implementation of human rights which surfaced almost continually. Without denying the dangers inherent in globalization, he believed that thought should be given to globalization's potential for improving the quality of life worldwide and for leading to a more viable society where people were more aware of their rights and exercised them fully.

3. Protection of the individual was at the centre of the European Union's policies. It therefore believed that the abolition of the death penalty contributed to the enhancement of human dignity and the progressive development of human rights, and it continued to strive for universal abolition, or at least a moratorium on executions. However, human rights problems should not be exclusive to the State structure. Governments must work in cooperation with civil society and with human rights NGOs in particular, whose freedom of movement and expression should not be hindered in any way. The continuous dialogue with NGOs had made it possible to increase transparency in the human rights activities of Governments in the European Union countries. For that reason the Union had in 1999 published its first annual report on human rights. Aware that the human rights situation in its member States was not perfect, the Union sought to improve its human rights mechanisms in order to avoid cases where human dignity might be endangered.

4. The European Union also continued to be actively involved in the review processes of the Copenhagen World Summit for Social Development and the Beijing World Conference on Women, and in the European preparatory process for the World Conference on Racism. It was convinced that the defence of the principle of non-discrimination should be at the core of every country's human rights policy.

5. Since the previous session of the Commission, certain particular situations had been under close review by the European Union, one being the situation in East Timor. The Union had taken note of the recommendations of the international commission of inquiry and the Indonesian Commission of Inquiry, and fervently hoped that those responsible for human rights violations would be brought to justice. It remained concerned at the situation of refugees and displaced persons in West Timor, and strongly encouraged the international community to continue its involvement in the creation of conditions for their safe return. The European Union was alarmed by reports from Chechnya; it stressed the importance of an international presence in that region and urged the Russian authorities to comply with their commitments and begin transparent investigations into alleged human rights violations. Finally, while acknowledging progress in the economic sphere in China, it remained concerned at the lack of progress in the area of human rights, in particular the use of the death penalty, restrictions on fundamental freedoms, harsh sentences imposed on political dissidents, persecution of religious minorities and insufficient cooperation with United Nations human rights mechanisms.

6. If the Commission wished to fulfil its mission, it was essential to improve and rationalize the functioning of its mechanisms. The report of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights offered a compromise solution which should help achieve more effective treatment of human rights issues. He hoped that the fifty-sixth session of the Commission would produce concrete results leading to a real improvement in the human rights situation throughout the world.

STATEMENT BY MR. JERZY KRANZ, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF POLAND

7. Mr. KRANZ (Poland) noted that international relations were based, not on State sovereignty, but on the equality of sovereign States proclaimed by international law. Acceptance of international law was therefore an essential aspect of protection of the sovereignty of all States, rather than a threat to a State's sovereignty. The principle of sovereignty could in no way justify violations of the norms of international law which bound a State.

8. Another function of international law was to protect the common values of humanity, including fundamental human rights, against attacks by the State. Treaties on the promotion and protection of human rights were concluded not only to bind States, but especially to bring an influence to bear on the exercise of national competence and in so doing strengthen the citizen's position vis-à-vis the State. A well-established principle of international law was the principle that a State could not use its domestic law to avoid its obligations under international law. Examining the human rights situation in a country and making appeals to respect human rights therefore did not constitute interference in the domestic affairs of the country in question. Poland was grateful to the international community for having made such appeals in the past, which had helped place it on the path to democracy. In reality, the idea that any attempt to influence the situation in a country represented interference served, ironically, to make international policy and international law into instruments of illegality.

9. Tolerating human rights violations meant admitting that international law had absolutely no social or moral basis. Political action consisted of preparing objectives and programmes based on social choices. It was an ongoing choice between the possible and the desirable, between the good and the less good. That dilemma also applied to the implementation of international law and the promotion and defence of human rights, including the activities of the Commission on Human Rights. The international community's indulgence towards the perpetrators of human rights violations was in fact a poorly-concealed insult towards the victims, which was unacceptable. Pressure by the international community for greater respect for human rights should be seen as an effort to protect the weakest, namely the victims.

10. The past year had been marked by events which called for an examination of the effectiveness of the human rights protection mechanisms. The long-term success of the operation in Kosovo would depend on the establishment of an effective administration and a multi-ethnic society, which was a challenge for the international community as well as the Serbs and Albanians. The Kosovo operation also showed that the international community was ill at ease with that type of situation, which was not made easier by the legal and political uncertainties. Events in East Timor had only confirmed the uncertainties in question, although prompt action by the international community had put an end to the atrocities. However, Russian military action in Chechnya left the international community at a loss in the face of human rights violations which should be unequivocally condemned. Apart from its legal aspects, the situation in Chechnya was dangerous for the future of democracy in Russia. However, no political solution to the conflict appeared to be emerging.

11. Poland, where democracy had been established for 11 years, was determined to promote and defend human rights out of solidarity towards the people of other countries, for it had experience of an autocratic regime. It would be holding an international conference in June which should enable new and old democracies to exchange their experience. He hoped that such conferences would one day no longer be necessary.

STATEMENT BY MR. DIMITRIJ RUPEL, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF SLOVENIA

12. Mr. RUPEL (Slovenia) said that the present-day situation regarding human rights was in no way encouraging. Serious human rights violations continued to occur in different parts of the world, in particular in the context of conflicts, as in Kosovo, East Timor and Chechnya. In all such cases alleged violations should be investigated with a view to bringing those responsible to justice. The situation in Kosovo and in the Federal Republic of Yugoslavia (Serbia and Montenegro) continued to be of concern, and it was clear that improvement of inter-ethnic relations lay at the heart of stabilization efforts for that troubled region. Slovenia very much hoped that the Conference on Inter-Ethnic Relations and National Minorities in south-eastern Europe, organized within the Stability Pact framework, which it had recently hosted, would be followed by specific activities aimed at improving relations. That process could also provide a valuable contribution to the World Conference against Racism. Slovenia warmly welcomed the establishment in Croatia of a new Government which had expressed a strong commitment to respect human rights, and accordingly believed that Croatia should not be retained in the mandate of the Special Rapporteur on the situation of human rights in that region.

13. The universality of human rights and fundamental freedoms had become obvious to all. One concept in particular reflected the need to put the individual at the centre of the international community's efforts to end violations of human rights and international humanitarian law: the concept of human security. The problem of small arms and light weapons should be addressed in that context. Slovenia hoped that a clear set of recommendations would be adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Aspects, and would support efforts to formulate an action plan containing effective measures for the prevention and reduction of the problem of small arms. Another means of ensuring human security was to engage non-State actors, who played a role in many intra-State conflicts, to respect human rights and the rules of humanitarian law, in order to protect defenceless civilian populations. Slovenia accordingly supported the elaboration of international standards on the subject. He also wished to highlight the invaluable role of the NGOs, acting both nationally and internationally, which often helped Governments to move forward on issues and which had played a pivotal role in the adoption of the Ottawa Convention on anti-personnel landmines and the Statute of the International Criminal Court.

14. In the two years since the adoption of the Declaration on Human Rights Defenders, many defenders, in all regions of the world, continued to experience threats and even lose their lives because of their work for human rights. Slovenia strongly supported all efforts to establish a supervisory mechanism for the implementation of the Declaration, which should be disseminated widely. The Declaration had been published in Slovene on the occasion of Human Rights Day, 10 December 1999.

15. Slovenia welcomed the constant increase in the number of ratifications of the six core United Nations human rights instruments and sincerely hoped that the Convention on the Rights of the Child would be universally accepted in the tenth year since its entry into force. It also welcomed the conclusion of the work of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts and hoped for the earliest possible adoption of that new instrument, aimed at ending child soldiering. In similar vein, it hoped that the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which it had been among the first countries to sign, on 10 December 1999, would enter into force promptly and that the same would be true of the Statute of the International Criminal Court, adopted in Rome in 1998. The Slovene Parliament should be ratifying the Statute by the end of the year 2000. Slovenia also supported ongoing efforts aimed at establishing principles and guidelines on the right to a remedy and reparation for victims of violations of human rights and international humanitarian law.

16. Concerning the human rights protection mechanisms, Slovenia welcomed the completion of the work of the working group on enhancing the mechanisms of the Commission and hoped for the early adoption of the proposals to reform those mechanisms. In conclusion, he reaffirmed his country's strong support for the work of the Office of the High Commissioner for Human Rights. Slovenia joined calls for an increased allocation of the United Nations regular budget to the Office and was in the process of pledging its second voluntary contribution to the Office's activities.

STATEMENT BY MR. JAN KAVAN, MINISTER FOR FOREIGN AFFAIRS OF THE CZECH REPUBLIC

17. Mr. KAVAN (Czech Republic) said that, at the dawn of the new millennium, the international community must not forget the victims of the Holocaust and other genocides which had taken place in the twentieth century and must continue to seek a proper balance between the principle of non-interference in the affairs of sovereign States and respect for the inalienable rights of every human being. At a time when globalization was constantly gaining ground, human rights must be addressed through an active, open-minded and creative policy, which was the best remedy against all threats to the future of mankind.

18. It seemed unavoidable that many contradictory opinions would be voiced at the Commission's current session as politically sensitive issues were discussed. He hoped they would not be reminiscent of the worn-out battles of the past century and that they would take place in a spirit of tolerance, dialogue and cooperation.

19. During the past year, the Czech Government had paid particular attention to the Roma problem. A comprehensive new plan for the integration of the Roma minority was under preparation, and a major campaign against racism had recently been launched. The Czech Government was fully aware of its responsibility for the Roma population. At the same time, it was convinced that there was an international dimension to the Roma issue. It had accordingly asked the Sub-Commission on the Promotion and Protection of Human Rights to address the human rights of the Roma, and was awaiting the concrete results of the Sub-Commission's work. The draft law on the rights of ethnic minorities would be ready by the end of June and the National Ombudsman Law had come into effect on 1 March 2000. The Law on Acquisition and Loss of Citizenship had been amended, and the new draft of the Police Act should reinforce citizens' guarantees in the area of individual rights and freedoms. The amended version of the Penal Code, which should come into effect in 2001, would simplify and speed up criminal proceedings.

20. The Czech Republic endeavoured to improve the human rights situation in its territory by fulfilling all its obligations under the international human rights instruments. It also hoped to join the European Union in the near future and offer other States the experience it had acquired in the area of human rights, especially during its totalitarian past. The Czech Republic was in favour of open dialogue at both bilateral and multilateral levels concerning the problems arising in each country. In that connection, in September 1999 it had received the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, whose report was to be published shortly.

21. With regard to the situation in the Balkans, the Czech Republic supported every effort by the international community, in particular the activities of UNMIK and KFOR, to achieve lasting stability throughout the region. The international community must take prompt measures to organize democratic elections in Kosovo and Serbia, ensure the safe return of refugees, ensure the release of political prisoners from Serbian prisons and promote a climate of cooperation for the nationalities living in the region. The Czech Republic condemned all forms of ethnic cleansing, whoever the victims, and supported the creation of a multi-ethnic and multicultural Kosovo with a high degree of autonomy within the Federal Republic of Yugoslavia.

22. The humanitarian crisis in Chechnya was alarming. He welcomed the fact that the High Commissioner of the Council of Europe had been able to visit the region and establish a dialogue with representatives of the Russian Federation and that it had been decided on that occasion to establish a human rights office in Grozny. He was also gratified to hear that the visit by the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, was finally to take place. He still hoped that the International Committee of the Red Cross would be able to help alleviate the human suffering, and that the Russian Government would provide for a speedy investigation of the reported killings of civilians and punish those responsible.

23. With regard to international standard-setting, he welcomed the finalization of the text of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. He hoped that the protocol on the sale of children, child prostitution and child pornography, and the protocol to the Convention against Torture, would also be finalized before long. The Czech Republic had been one of the first States Members of the United Nations to sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in New York on 10 December 1999. It had also ratified the European Social Charter in autumn 1999 and planned to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. Draft amendments to the Constitution permitting the ratification of the Statute of the International Criminal Court had been submitted to the Czech Parliament in February 2000.

24. Two years earlier, President Havel had stated before the Commission that the major problem of the multipolar modern world was not evil as such but tolerance towards evil. He hoped that the Commission's work would help to create a world for future generations that would have little tolerance for evil.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (E/CN.4/2000/5, E/CN.4/2000/12 and Add.1; E/CN.4/2000/NGO/3)

25. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her annual report (E/CN.4/2000/12) submitted pursuant to Commission resolution 1999/54, said that prevention had been chosen as the theme of the report in view of both the Secretary-General's appeal for the current century to be the century of prevention and the Commission's interest in the issue. The report contained an addendum (E/CN.4/2000/12/Add.1) in response to the Commission's requests in resolutions 1998/21, 1999/54 and 1999/57 concerning, respectively, tolerance and pluralism, evaluation of field office activities and promotion of the right to democracy.

26. The first chapter of the report, entitled "The prevention and punishment of the crime of genocide", posed the question why it had not proved possible for the international community to intervene effectively to prevent genocide in Burundi, Rwanda and the former Yugoslavia, for example, or to halt crimes against humanity in Cambodia. Those failures pointed up the need for early warning systems, conflict prevention and accountability and underscored the importance of the Genocide Convention. The second chapter, entitled "Prevention of racism and racial discrimination", reinforced her view that racism, discrimination and xenophobia were at the root

of most of the world's conflicts. It had been cast in the context of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and promoted the value of combating racism as a preventive measure to head off conflicts and tensions in societies.

27. The third chapter of the report dealt with the right to development and the prevention of human rights violations. As poverty was an obstacle to the enjoyment of human rights, a better course must be charted for achieving economic, social and cultural rights and the right to development. The report also set out measures to end the persistent problem of slavery in all its forms and to prevent the traffic in women and children. It also addressed the role of human rights education as a preventive measure. More generally, it outlined the major issues currently on the Commission's agenda and described the range of preventive measures currently in use or which might be used in the future.

28. She pledged to devote her energies to strengthening her Office's capacity for preventing gross violations of human rights.

29. Mr. LIU Xinsheng (China) paid tribute to the activities of the Office of the High Commissioner for Human Rights and welcomed the fact that the High Commissioner had on several occasions appealed for cooperation among countries rather than unnecessary political confrontation and had attached importance to economic, social and cultural rights and the right to development.

30. He noted with appreciation that the High Commissioner had taken useful steps in the area of advisory services and technical cooperation. With the assistance of the Office, eight annual workshops had been organized for the regional arrangements for the promotion and protection of human rights in the Asia-Pacific region. The eighth workshop, held in Beijing, had adopted a document which should guide activities in the field of human rights in 2000 and 2001 in the Asia-Pacific region.

31. The High Commissioner had stated in her report that racism, racial discrimination and genocide were serious violations of human rights. With a view to the forthcoming World Conference against Racism, the High Commissioner's Office had organized two expert seminars, and several regional preparatory meetings were also under way. The Chinese Government actively supported those efforts by the international community. In particular, it had decided to transfer the unspent portion of its contribution to the World Conference on Human Rights to the World Conference against Racism.

32. Noting that the High Commissioner's report emphasized the prevention of gross human rights violations and of conflicts, he said that preventive measures should be implemented by the international community only with the consent of the States concerned and with respect for their sovereignty. Such activities should not constitute a broadening of the Office's mandate and related mechanisms or interference into the internal affairs of the countries concerned. The role of the Office of the High Commissioner was to provide service to member States and the Commission, and the High Commissioner must carry out her mandate in keeping with General Assembly resolution 48/141.

33. The Chinese Government had always maintained positive and sincere relations with the Office of the High Commissioner. Following the High Commissioner's visit to China in 1998 and the visit to China by a team of experts from the Office in 1999, it had organized the Eighth Workshop on Regional Arrangements for the promotion and protection of human rights in the Asian and Pacific region from 1 to 3 March in Beijing. On that occasion it had held a valuable exchange of views with the High Commissioner on technical cooperation in the field of human rights, and hoped further to strengthen its cooperation with the Office of the High Commissioner and the United Nations human rights mechanisms.

34. Mr. AKRAM (Pakistan) expressed agreement with the idea that efforts to combat impunity must be integrated within an effective early-earning and conflict-prevention system because serious violations, where left unprosecuted and unpunished, might allow conflict to escalate into open hostilities, and even war. However, any human rights protection mechanisms established would only be successful if backed by the political will of States. For example, the Special Rapporteur on extrajudicial, summary or arbitrary executions had in 1993 drawn the Commission's attention to the risk of genocide in Rwanda. But the international community had opted to wait; similarly although it had been in possession of reliable information, it had not acted to prevent the deterioration of the human rights situation in the Balkans, the Caucasus or Jammu and Kashmir.

35. Paragraph 14 of the High Commissioner's report stated that violent assertions of sovereignty and nationalism were on the rise and that the integrity of nation States was increasingly challenged by forces of ethnic, cultural or linguistic separation. Nevertheless, conflicts often arose because the right of peoples to self-determination, in the broad meaning of the term, was denied, and the exercise of self-determination brutally repressed. Before elaborating new intervention mechanisms, by establishing a rapid reaction force or sending observers, it was essential for the international community to establish objective, universally-accepted criteria to guide its action in addressing gross violations of human rights and to avoid any selectivity.

36. He shared the Secretary-General's view concerning the need to introduce preventive action in situations of humanitarian emergency. But what was meant by humanitarian emergency? It was difficult to determine how many victims and how much suffering were necessary before measures should be taken. In addition, it was important not to give disproportionate attention to highly-publicized events at the expense of less spectacular, but just as unacceptable, violence related to so-called low-intensity conflicts. Pakistan awaited with interest the forthcoming debate on the concept of humanitarian intervention in the General Assembly. Humanitarian intervention must be timely and appropriate, non-discriminatory and non-selective. It must, in any event, be in conformity with the Charter of the United Nations, and must respect the principles of State sovereignty and non-interference in internal affairs. That having been said, such principles should not be an obstacle to action in situations where people were being subjected to foreign occupation or situations under United Nations jurisdiction pursuant to Security Council resolutions.

37. Although the concept of "fundamental standards of humanity" described in the High Commissioner's report was an interesting one, before studying all its aspects the international community should ensure that existing standards of international law, in particular

those relating to armed conflicts, were effectively applied and respected, in particular in situations of armed conflict. The Commission should also appoint a special rapporteur on the human rights situation in occupied territories or territories under United Nations jurisdiction.

38. The proposals in paragraph 95 of the report deserved careful attention. Generally speaking, initiatives such as the designation of eminent persons who could be called upon to offer their good offices and the dispatch of observers should take place in consultation with the Commission. It would also be useful for the report to be transmitted to other United Nations bodies, in particular the Security Council.

39. With regard to the right to development, his Government had hoped that the report would have been clearer about the Office's priorities and the nature of its relations with other international development agencies. He feared in particular that proposed structures such as the "Comprehensive Development Framework", might further restrict conditions of access to development cooperation. Poverty was one of the most evil scourges and undermined the lives of thousands of persons. Eradicating it was a tremendous challenge and an essential means of promoting development. It was for the Commission to establish a human rights protection framework which would make it possible to achieve that objective.

40. Mr. HEINEMANN (Observer for the Netherlands) said that the Netherlands supported the High Commissioner's action to prevent human rights violations and her intention to seek the assistance of partners to that end.

41. To strengthen the effectiveness of the Office, a substantial increase of funds should be made available through the regular budget of the United Nations. Human resources should also be used more effectively, through delegation of responsibilities and the establishment of clear managerial structures. The Netherlands welcomed the briefings by the High Commissioner's Office and hoped to see them become a regular practice. The presentation of the Annual Appeal 2000 had led to better understanding of funding needs, and his delegation would welcome a similar overview for the next financial year concerning the use of funds from the regular budget.

42. The Netherlands remained a dedicated supporter of the Office's work and hoped to consolidate a substantial dialogue between the Geneva missions to the United Nations and the High Commissioner.

43. Mr. NUSHIRWAN (Observer for Malaysia) emphasized the importance of a well-conceived doctrine of prevention of human rights violations. In developing such a doctrine, the following criteria must apply: it must be clear and consistent, while remaining flexible in order to deal with diverse situations; it must supplement and add value to the efforts of higher United Nations bodies, in particular the Security Council, and not duplicate them, while remaining consistent with the provisions of international law and the Charter of the United Nations; and it must have clear objectives and rules of engagement, as well as equally clear criteria for disengagement so that its presence did not become an end in itself.

44. His delegation commended the High Commissioner for her efforts to ensure greater transparency in the activities of the Office, in particular the launching of the Annual Appeal 2000. It urged donors, especially from the developed countries, to increase their contributions to the human rights programme and not to earmark those contributions, in accordance with paragraph 10 of Commission resolution 1999/54. His delegation approved the idea that the largest share of funding should go to technical cooperation projects. Malaysia and many other developing countries advocated technical cooperation aimed at national capacity-building in order to make changes at the grass-roots level. With that in mind, it proposed that the High Commissioner should be in a position to direct all unused contributions towards technical cooperation projects.

45. His delegation had read with interest chapter III of the report (E/CN.4/2000/12), entitled "The Right to Development and the Prevention of Human Rights Violations", as lack of development was in its view the major cause of massive human rights violations. It was regrettable, however, that the report did not place sufficient emphasis on the link between human rights and development.

46. Mr. KAVSADZE (Observer for Georgia) said that the Office of the High Commissioner held great importance for States which had recently gained independence and were facing the problem of refugees and displaced persons, especially regarding the defence of fundamental rights, such as freedom of expression, enshrined in the International Bill of Human Rights. The implementation mechanisms contained in the Charter should be strengthened and made more flexible. Efforts to do so could be coordinated by the High Commissioner for Human Rights and the Commission. The Commission should become an independent structure on a par with the Economic and Social Council, and should include the human rights NGOs, because of the active and constructive role they had been playing.

47. In addition, the Office of the High Commissioner and the Commission should establish a joint working group to consider human rights situations and should also consider establishing a permanent television station to broadcast information on such situations.

48. Turning to the High Commissioner's report (E/CN.4/2000/12 and Add.1), he said that Georgia would like the structure of the local branch of the High Commissioner's Office in Sukumi to be reviewed. Its presence had not yielded the expected results. Generally speaking, moreover, a working group should be asked to assess the effectiveness of the technical cooperation and advisory services provided to countries.

49. Finally, Georgia believed that ethnic cleansing fell within the purview of the Convention on the Prevention and Punishment of the Crime of Genocide, and was not subject to a statute of limitations. However, those responsible for ethnic cleansing policies were yet to be punished.

50. Mr. MOUNIR (Observer for Egypt) welcomed the fact that the High Commissioner's report emphasized the need for prevention of human rights violations, in particular the establishment of a reliable early-warning mechanism and emergency response procedure to address unforeseen situations.

51. In Egypt's view poverty created situations that were conducive to human rights violations. Consequently, cooperation should be strengthened between the Office of the High Commissioner for Human Rights and United Nations programmes and bodies dealing with development or combating poverty, ignorance and disease. In that connection the international community in general and the developed countries in particular should be given a strong reminder that achieving the right to development was the best means of guaranteeing respect for human rights.

52. Mr. LITTMAN (Association for World Education) said that there was danger in attempting to modify the concept of universality of human rights, to which no exception should be made. He objected to the inclusion, in the United Nations publication, A Compilation of International Instruments Vol. II. Regional Instruments, of an essentially religious document submitted by a non-regional body. His organization's written statement (E/CN.4/2000/NGO/3) concluded with an urgent appeal to rectify that anomolous situation, as there should be no religious documents in the Compilation. It recommended that all future printings of Volume II, in all official languages, should omit the pages which reproduced a resolution by an intergovernmental organization which could not be considered a regional body by any stretch of the imagination, the inclusion of the text might create a regrettable precedent which might confuse the international legal framework for all United Nations human rights decisions and resolutions.

53. The Association for World Education had been especially heartened to note that paragraph 59 of the High Commissioner's report (E/CN.4/2000/12), in the section entitled "Traditional slavery", contained a reference to practices occurring in the Sudan. The Association, together with other NGOs such as Christian Solidarity International (CSI), regularly denounced slavery in the Sudan. The consultative status of CSI had been withdrawn, ostensibly because of procedural errors on its part, whereas the real reason was clearly its campaign against slavery in the Sudan. And yet, slavery was truly a "crime against humanity".

54. Mr. WADLOW (Association of World Citizens) welcomed the report of the High Commissioner for Human Rights (E/CN.4/2000/12), which correctly emphasized prevention and early-warning procedures. The error made in 1993, when the risk of genocide in Rwanda had been disregarded, must not be repeated.

55. Three types of situations required priority supervision: declared armed conflicts, discussed in detail in document E/CN.4/2000/NGO/1; events which indicated a negative trend, where the Commission could fulfil its early-warning function, discussed in document E/CN.4/2000/NGO/2; and structural violence, which was linked to the issues of development and social injustice.

56. Such situations required action by three types of actors: the States on whose territory armed conflicts, negative trends, or unjust structures existed; the United Nations human rights secretariat, all of whose members, together with the Special Rapporteurs of the Commission, should be guaranteed independence in their work; and, finally, the NGOs.

57. There was much work to done to articulate relations between the various actors: representatives of States, the United Nations Secretariat and NGOs. There were growing Government pressures on NGOs in United Nations forums. The present United Nations-NGO system should therefore be reformed, in order to empower civil society within the United Nations system, with democratic principles in mind.

58. Mr. MALGUINOV (Russian Federation), speaking in exercise of the right of reply, said it was regrettable that the Ministers for Foreign Affairs of Portugal and Poland had so little understanding of, or perhaps deliberately misunderstood, the real situation in Chechnya, where the Russian Federation was conducting anti-terrorist operations aimed at preserving its territorial integrity and enforcing its Constitution. The Polish Government appeared to entertain doubts. That was not surprising considering the fact that the Polish police had allowed hoodlums to break into the Russian embassy in Warsaw and remove the Russian flag.

59. Those who denounced human rights violations in Chechnya made no mention of the thousands of abductions committed by the Chechen terrorists, whose victims had included two Polish citizens. In any event, the Special Representative of the President for Human Rights, the parliamentary commission established for that purpose and the Public Prosecutor's Office would ensure that the violations in question were properly investigated. His delegation also had available, for those who wished to consult it, a long list of organizations and eminent persons who had visited Chechnya in recent months. The Government of the Russian Federation was actively endeavouring to restore human rights in Chechnya and, precisely, to reach a political settlement of the problem.

60. Politicizing the Commission's discussion of the issue would do nothing to enhance human rights.

The meeting rose at 5.35 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 March 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2000/8)

1. The CHAIRMAN invited Members to consider the draft timetable that was before the Commission.

2. Ms. GLOVER (United Kingdom) said that the meeting time for Working Group 15 had been omitted from the draft.

3. The CHAIRMAN took note of the omission.

4. The timetable, as corrected, was approved.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/2000/5 and 12 and Add.1; E/CN.4/2000/NGO/3)

5. The CHAIRMAN said that the Bureau had recommended that item 4 be left open throughout the session in order to allow the High Commissioner for Human Rights to make statements and to present reports as appropriate, and to permit delegations to comment thereon. Statements relating to the report of the High Commissioner for Human Rights (E/CN.4/2000/12 and Add.1) should, however, be made prior to the consideration of item 5.

6. It was so agreed.

7. Mr. REYES RODRIGUEZ (Cuba) said that strengthening international cooperation to prevent human rights violations throughout the world should include the development of institutions, policies and programmes aimed not only at the protection but also at the promotion of all human rights. Any effective international system to prevent human rights violations presupposed respect for the equality and integrity of all the participating States; the observance of recognized and transparent rules; and the existence of international institutions of proven competence, objectivity and impartiality.

8. Regrettably, those elements were lacking in current international human rights practice, as the Commission's performance showed, and his delegation wished to register its profound concern at a number of the proposals and recommendations made in the High Commissioner's report (E/CN.4/2000/12).

9. There was no direct link, whether under the Charter of the United Nations, the Vienna Declaration and Programme of Action, or General Assembly resolution 48/141, between the mandates of human rights bodies and the Security Council. No agreement had yet been reached in the General Assembly on proposals regarding preventive diplomacy and early-warning mechanisms because most developing countries were well aware that, given the existing international order, any such agreement would only facilitate further intervention and coercion against their peoples.

10. The Sub-Commission had recently declared that the concept of "humanitarian intervention" was incompatible with general international law and, more particularly, with the Charter. He wondered whether an early-warning mechanism such as the one proposed might some day alert the Security Council to the gross violations of the rights of minorities, indigenous peoples and migrant workers in North America and Europe. If so, its consideration would be automatically vetoed by those members of the Security Council which possessed that undemocratic privilege.

11. Mr. BOICHENKO (Russian Federation) reaffirmed his delegation's support for the mandate of the High Commissioner for Human Rights, particularly with regard to the promotion and protection of the full gamut of human rights, involving dialogue with Governments and greater international cooperation on human rights. The emphasis laid in the High Commissioner's report (E/CN.4/2000/12) on preventive action in various fields was welcome, particularly with regard to racism and racial discrimination in all its forms. Racism, ethnic conflict and xenophobia could, indeed, prove a catalyst for internal conflict; given that no State was immune, the Commission should devote more attention to that issue.

12. The report did, however, contain a number of controversial claims and unrealistic proposals. At a time when the Commission was seeking to rationalize its work and reduce the number of special procedures, his delegation was surprised at the proposal to establish yet another body of human rights and humanitarian observers for urgent deployment in situations where population groups might be at risk (para. 9). Moreover, the proposal (para. 10) to establish a Rapid Reaction Force for deployment in situations of urgent need to avert conflict or protect groups in danger clearly went beyond the mandate of both the High Commissioner and the Commission.

13. Lessons must be drawn from the worsening of the Kosovo crisis and the hasty attempts in 1999 to resolve so complex a problem by force, which had revealed the possible consequences of "armed humanitarianism". Human rights should be used not to justify action in breach of the Charter but as a means of uniting peoples, Governments and civiiizations a round a common cause.

14. In its resolution 1999/54, the Commission requested the High Commissioner to submit to the Commission a separate report containing a comprehensive assessment of field presences. In view of the increase in such presences since 1992, the report (E/CN.4/2000/12/Add.1) might have been expected to contain more transparent self-criticism and a more comprehensive and less ambiguous appraisal of field presences.

15. Mr. IBRAHIM (Sudan) said that his delegation deeply regretted and categorically rejected the conclusion in the High Commissioner's report (E/CN.4/2000/12, para. 59) that Sudan was an example of a country where traditional slavery persisted. Such a perplexing conclusion must be based on unsubstantiated allegations by persons seeking to tarnish the image of Sudan and to profit unlawfully from donor support. The reference in the report was a mere repetition of allegations made against Sudan by a non-governmental organization (NGO) whose consultative status with the Economic and Social Council had been withdrawn in 1999. It was also contrary to the Commission's own decision at its fifty-fifth session, in resolution 1999/15, to view the cases in Sudan as involving abduction rather than slavery.

16. It was to be regretted that the High Commissioner had not followed the lead of the Office of the European Union in Khartoum in recognizing the positive efforts of the Sudanese Government and its international partners to address the problem of abductions in rebel-controlled areas. The offending paragraph could seriously undermine the willingness of the Sudanese Government to cooperate fully with the Office of the High Commissioner on Human Rights.

17. Mr. HYNES (Canada) commended the High Commissioner on her report (E/CN.4/2000/12 and Add.1). Her focused and thoughtful evaluation of human rights throughout the world was precisely what had been envisaged when the post of High Commissioner was created; it was, contrary to some suggestions, fully in keeping with her mandate. The time had long since passed for United Nations institutions to remain isolated from world events and, indeed, some of the issues she had raised were under discussion in the General Assembly, the Security Council and elsewhere. Many were of direct relevance to the Commission's agenda, including those relating to specific country situations.

18. Mr. PADILLA MENENDEZ (Guatemala) said he endorsed the High Commissioner's view that a preventive approach to human rights violations should be adopted. It was noreworthy, however that, in his 1993 report, the former Special Rapporteur on extrajudicial, summary or arbitrary executions had drawn attention to the genocide then imminent in Rwanda, which showed that an early-warning system was not enough in itself; preventive mechanisms would work only if the international community had the political will to prevent human rights violations. It was important for the Office of the High Commissioner to have an emergency response capacity with a bearing on both thematic procedures and country situations and he welcomed the proposal to set up a task force that would analyse early-warning data and bring serious incidents to the immediate attention of the relevant human rights mechanisms.

19. His delegation also endorsed the High Commissioner's proposals to strengthen human rights protection, ensuring that Governments fully understood the nature of rights from which no derogation might be made, and the need for the rapid ratification of the Rome Statute of the International Criminal Court, as well as education campaigns on human rights and international humanitarian law, directed above all at the police and armed forces.

20. The High Commissioner's reference to the right to development and the crucial link with economic, social and cultural rights was also welcome. Of particular importance was the emphasis on the need for greater cooperation and coordination between the United Nations system including the Bretton Woods institutions, and donor Governments, beneficiaries and NGOs, and for greater participation by the World Bank and the International Monetary Fund in the implementation of the Commission's various mandates. In that context, it was essential that the recommendations of the Special Rapporteur on foreign debt and the independent expert on structural adjustment policies, contained in their joint report (E/CN.4/2000/51) should be implemented, particularly the proposal that Zambia's debt should be cancelled immediately, owing to the humanitarian crisis caused by the HIV/AIDS epidemic. His delegation thought that the same should apply to other African countries that had suffered from disasters, such as Mozambique.

21. The same report also contained proposals to cancel the debts of Nicaragua and Honduras, where there had been heavy loss of life and the infrastructure and economy had been destroyed by Hurricane Mitch in 1998. The Commission should, moreover, endorse the authors' proposal to establish a direct link between debt relief and programmes such as the successful Brazilian experience of "Bolsa Escola". By adopting such specific measures, the Commission could promote sustainable development in parallel with human rights.

22. Ms. KUNADI (India), having expressed the view that promotional activities to develop national capacities in the field of human rights constituted one of the most efficient means of promoting and protecting human rights, democracy and the rule of law, underlined the importance of the advisory services and technical cooperation provided by the Office of the High Commissioner. It was therefore gratifying that such promotional activities had been given due importance in the High Commissioner's Consolidated Inter-Agency Appeal (CAP) 2000. Her delegation shared the High Commissioner's hope that fewer voluntary contributions would be earmarked in future.

23. There was no viable substitute for sovereign national States. To marginalize or ignore them would pave the way to international anarchy, which would hardly be conducive to the promotion and protection of human rights. Careful thought should be given to the proposal to create additional international instruments such as humanitarian observers and a Rapid Reaction Force. The latter was not only controversial but currently under examination in other forums. The multiplication of international instruments was not a panacea .

24. Paragraphs 14, 16 and 18 of the report referred to violent ethnicism and its threat to the sovereignty and integrity of nation States. It would have been relevant in that context to have highlighted the importance of active discouragement by the international community of secessionism on ethnic or religious grounds, since that would have given a clear signal to disruptive forces that their grievances should be solved within a democratic framework. It was disappointing that the report failed to discuss the grave threat posed by terrorism, particularly State-sponsored terrorism, to human rights and democracy.

25. The section on the right to development should not prejudge any conclusions that the Commission might arrive at. Democratic and effective institutions were, of course, most important, and poverty could not justify the denial of fundamental human rights, but it would be wrong to impose human rights conditionalities on development cooperation. There was, however, a risk that the symptoms of poverty might be taken to represent violations of human rights, with the result that donor countries might take action that would be tantamount to sanctions on poverty.

26. Concepts such as early-warning systems should be approached with prudence in order to avoid the politicization and exploitation of the human rights machinery by vested interests, including countries with dubious political aims and territorial ambitions. She also noted that, under the Charter the Security Council had no authority in the area of human rights. The assumption of such a role by the Council would undermine confidence in the United Nations human rights machinery.

27. Lastly, her delegation fully endorsed the High Commissioner's views on the importance of human rights education. Her Government had already initiated action on the introduction of such education at various levels of the education system. A number of universities proposed to introduce human rights courses into their curricula.

28. Mr. STROHAL (Observer for Austria) said that the Commission was the human rights engine of the United Nations and had contributed greatly to standard-setting and the development of monitoring mechanisms. Implementation would, however, be the major challenge in the years to come.

29. Situations of serious human rights violations did not occur overnight. Early warning and early action, rather than reaction, were therefore essential. The High Commissioner was right to put the emphasis on prevention, of which recommendations by the Commission and the treaty bodies should be a cornerstone. In that connection, his delegation welcomed the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

30. His delegation welcomed the linking of human rights, development and democracy. It also endorsed the importance of human rights education as a tool for prevention. His Government had established a service centre to provide support for human rights educators throughout the country, particularly for law-enforcement officers, judges and lawyers.

STATEMENT BY THE MINISTER OF STATE IN CHARGE OF EXTERNAL RELATIONS OF CAMEROON

31. Mr. KONTCHOU KOUOMEGNI (Cameroon) expressed his appreciation of the High Commissioner's work, particularly in Central Africa. The turning point which the new millennium represented provided an opportunity for stocktaking, for redefining approaches to human rights issues and for reaffirming the indivisibility and interdependence of human rights. The international community must accord equal priority to the promotion of the rights to an adequate standard of living, to a healthy environment and to the development of institutional and political infrastructures.

32. Such major challenges required concerted action on the part of Member States, so that humanity might enter the new century with a new global vision and consensus for the active promotion and protection of human rights. In that connection, the seminar held in Yaoundé in December 1999 at the initiative of the High Commissioner had facilitated the elaboration of a common African position on the realization of the right to development. His delegation thus hoped that human dignity and well-being would become a central preoccupation of the international community, in lieu of power relations, profit and other seeds of conflict. To that end, the spirit of the Vienna Declaration must be revived.

33. Cameroon had adopted national programmes for good governance and poverty eradication, as well as a plan of action to combat corruption. Such mechanisms were designed, inter alia, to strengthen democracy, prosperity and the rule of law and to enhance public participation in decision-making. The promotion of human rights had formed a cornerstone of government policy since 1982. Priority had also been accorded to the wide dissemination and

popularization of international human rights instruments, which had resulted in a proliferation of human rights organizations in civil society. A culture of democracy was, after all, essential to democracy, and tolerance of diversity and difference was a prerequisite for social harmony and peace. It was intolerance which lay at the root of the atrocities which continued to ravage so many countries, including some in Africa.

34. More than ever before, Cameroon aspired to maintain the fragile peace, national unity and democracy it currently enjoyed, which was why it had chosen the "royal path" of respect for human rights. The country had succeeded in strengthening political and social stability and had achieved a remarkable economic revival in a subregion of Central Africa prone to tension and economic, social and political malaise.

35. His Government regarded the right to peace as essential for progress. Thus, while awaiting the peaceful and definitive legal settlement of its territorial and border conflict with Nigeria, Cameroon took pains to abide by international law, particularly the four Geneva conventions. The international community should step up its assistance to the maintenance of peace between the two countries before, during and after the verdict pronounced by the International Court of Justice.

36. The commitment of the Head of State of Cameroon to peace explained the major role he had played in organizing high-level subregional conferences which had led to the creation of the Central African Peace and Security Council (COPAC) and the signature of a non-aggression and a mutual assistance pact. Also at the subregional level, a summit on tropical forest conservation and sustainable management had been organized in Yaoundé in March 1999. Cameroon was also host to tens of thousands of refugees from neighbouring war zones.

37. Despite the far-reaching transformations and the progress achieved by Cameroon in many areas, certain circles continued to misrepresent the situation in the country and to focus only on those shortcomings outside the Government's control. Human rights should not be subverted to political and economic ends, or covertly used as blackmail. Cameroon, for its part, continued to abide by its international commitments, to strengthen legal and institutional mechanisms for the incorporation of international human rights instruments and to cooperate with United Nations human rights mechanisms. The apportionment of blame would only undermine the goodwill demonstrated thus far by his Government.

38. The priority for the Commission was to unite all peoples, social groups and individuals in a common goal, namely, to ensure that the third millennium would be known as the millennium for the effective realization of human rights and human dignity. Member States should work together to establish truly democratic regimes throughout the world, based on the rule of law and respect for human rights, and to eradicate the poverty which hampered the progress of two-thirds of the world's population. To that end, his Governnment wished to reaffirm its confidence in the Commission and the United Nations as a whole and to stress the importance of partnership, solidarity and sacrifice.

STATEMENT BY THE MINISTER OF STATE IN CHARGE OF HUMAN RIGHTS OF TURKEY

39. Mr. IRTEMÇELIK (Turkey) said that, as globalization took hold, human values were gaining importance and State sovereignty was being redefined. The State was increasingly seen as existing for the security and well-being of its citizens, while individuals were becoming more aware of their right to control their own destiny. Even in the area of foreign policy, national security seemed to be giving way to human security as a guide to the behaviour of nations.

40. The progress of nations and their role in the new world order was currently measured in terms of such values as democracy, the rule of law and human rights, concepts that had developed remarkably during the last 20 years and that were at the core of modern ideas of public administration. For those countries with shortcomings in those areas, there was only one way to address the problem: directly and open-mindedly, using universal standards as a guide, but without losing sight of their own characteristics.

41. Turkey was a democratic and secular State governed by law. It had been founded on the basis of respect for individual rights and freedoms for all under its jurisdiction. Despite its long democratic tradition, its shortcomings in the area of human rights were, regrettably, not negligible. However, the reasons for that lay in more recent developments.

42. In 1980, the Turkish armed forces had intervened in political life following a wave of ideological terror that had cost more than 5,000 lives. As a result, human rights and freedoms had inevitably been curtailed and a Constitution enacted based on the philosophy of the protection of the State. Then, in 1983, the restoration of multi-party democracy had coincided with an outbreak of ethnic terrorism with separatist objectives that had so far claimed more than 30,000 lives, one third of them being innocent civilians.

43. Successive Governments' attempts to enhance democracy and freedom had been hampered by terrorism and the defensive reflexes of society had inevitably become more prominent. However, the capture of the terrorist leader in February 1999 had been a turning point, although members of the terrorist organization had stopped short of renouncing violence, giving up arms and placing themselves in the hands of the law.

44. In the circumstances, Turkey was a rare example of a State that had managed not only to protect democracy, human rights and freedoms against terrorism, but also to enrich those values through a gradual process of reform. Its problem was not how to solve an ethnic question but how to raise democratic standards. The central task of his Ministry was to help attain the goal of more democracy and more rights and freedoms for all in the shortest possible time.

45. Much had been achieved in recent years: constitutional reform, the reduction of detention periods in accordance with international standards, the narrowing of the geographical scope of the state of emergency in the south-east of the country and moves to improve prison conditions further.

46. In addition, the new Government had introduced a number of legal reforms: only civilian judges currently sat on the State Security courts; a repentance law had granted amnesty and

reduced sentences for members of terrorist groups; amendments to the Penal Code had redefined and increased the penalties for torture, ill-treatment and abuse of power by public officials - the definition of torture had been brought into line with the United Nations and European conventions; legislation had been passed to postpone sentences and trials relating to crimes committed through the media - to date 22 writers and reporters had been released from prison; new legislation made it easier to prosecute public officials for torture and ill-treatment; stricter guidelines on detention and interrogation had been introduced; human rights education had been intensified, particularly in the context of the United Nations Decade for Human Rights Education; and it had been made easier for civil servants to engage in trade union activity.

47. Work was continuing on reforms to the Civil Code, the Penal Code, the Code of Penal Procedure, the Code on the Execution of Sentences and the Ombudsman Bill. Lastly, Turkey would soon be signing the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

48. With the process of enhancing human rights irrevocably under way in Turkey, the public was becoming increasingly aware of those rights. He believed that the institutions of civil society had a key role to play in the reform process, and indeed, they were represented on the Human Rights Coordinating High Committee, which was the initiator of reform in Turkey. Turkey had recently been accorded candidate status by the European Union, and that had given it additional impetus to proceed with its reforms.

49. In conclusion, he said that, although the Commission and its various mechanisms provided useful insights for Governments, thereby acting as a pace-setter, it needed to reorganize its working methods and subsidiary mechanisms in order to improve its efficiency and credibility.

STATEMENT BY THE MINISTER OF JUSTICE OF ISRAEL

50. Mr. BEILIN (Israel) said that the forthcoming meeting in Geneva between the Presidents of Syria and the United States could be the last opportunity for a long time to make peace between Israel, Lebanon and Syria. Talks between Israel and the Palestinians had already resumed with the aim of reaching a permanent solution. After 52 years of belligerence, there was a fair chance that peace agreements could be concluded in 2000, given that both sides viewed the situation more pragmatically than before. Arabs understood that Israel was there to stay; the Israeli Government understood that peace came at a price, sometimes a very high price.

51. The combination of peace and democracy was the best basis for the implementation of human rights. A rare opportunity had presented itself and must not be missed. Any failure to solve the main problems of the Middle East would be unforgivable.

52. One of the most important results of such a peace would be that Israel could become what its founding fathers had intended: a model of democracy, human rights and Jewish morality, a country that not only dealt with its own problems but also helped others. Over the last generation, Israel's role had been very different. Discussion of human rights had usually put Israel on the defensive. It had rejected all criticism, and the principal task of the Ministry of Foreign Affairs had been to deny the world's accusations.

53. What had happened to the people of Israel would never, he prayed, happen to any other people. For in 1948, just two years after 6 million Jews had been exterminated, Israel had had to fight for the small State it had been offered, because others were not yet ready to accept it, and had thereby sacrificed another whole generation of young people. That was the main reason for the feeling in Israel that the world was full of hypocrisy and cynicism and would never be satisfied whatever Israel did.

54. After 1967, Israel had found itself occupying territory belonging to others, notably Palestinians. It had tried to convince itself that the occupation was benevolent but history showed that, no matter what occupiers tried to do, they would always in the end be hated, simply because they were there. Israel had perceived itself as a victim in a world where some countries were still prepared to destroy it, most of the world had perceived Israel as an occupying power that violated human rights. Israel had seen itself as a transparent democracy fighting for its life; the world had compared it to the most racist of countries and had even, for a 15-year period, regarded zionism as racism. Israel had wasted many years trying to convince the world of the gap between the reality in the country and the image that was portrayed of it.

55. As a democratic Jewish State, Israel's true role was to warn the world against any return to the dark days of the twentieth century, any hankering after nazism or fascism. Israel saw itself as part of the international effort to change the norm, to convince people that it was not nations, tribes, groups or peoples that counted, but human beings, and that anyone who promoted the rights of human beings by targeting groups was a criminal.

56. Israel had worked hard to develop the rights of women, children and the disabled, inter alia - rights that had become self-evident. He hoped that it would be possible for Israel and the Arab countries to say they had not missed the opportunity to make peace in the Middle East and that they had thus become free to deal with other important issues. Peace was not an end in itself, but only a tool with which to normalize life in order to begin dealing with the real issues. It was a shared responsibility.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF MOROCCO

57. Mr. AUAJJAR (Morocco) said that Morocco had the political will to strengthen its people's human rights, to lay the necessary foundations to do so and to establish the basic legal and institutional guarantees that would protect Moroccans from abuses and violence. The proof thereof was to be found in the developments that had taken place in Moroccan society in recent years.

58. The late King, Hassan II, had laid the foundations of a democracy based on education and progress, and his successor, King Mohammed VI, had already begun to carry forward the work of building democracy, respect for human rights and fundamental freedoms, and social justice. In a message to the people in December 1999, the King had reaffirmed that approach and described a vision of a society based on modernity and development.

59. Morocco's Human Rights Consultative Committee was a national institution composed of representatives of all political parties, trade unions, human rights associations, lawyers, doctors, academics and members of the Government. One of the King's first acts had been to

establish, under the aegis of that Consultative Committee, an independent commission for the indemnification of the victims of forced disappearances and their families. It was hoped that acknowledging the State's responsibility and applying the principle of just and equitable compensation in accordance with international standards would help Moroccans to come to terms with their history. The commission had embarked on its task with rigour, independence and transparency.

60. Additionally, the Government had availed itself of the royal power of pardon in a review of the cases of former political prisoners. On the basis of lists drawn up by a commission of the victims themselves, 700 of those who had been suspended from public or semi-public office had been compensated and reinstated with full seniority and promotion rights.

61. In order to reflect Morocco's international obligations more effectively in domestic law and to guarantee basic freedoms, bills would shortly be submitted to Parliament on reform of the press, the constitution of associations and public demonstrations. Moreover, new legislation and regulations had been enacted, in line with international standards, on prison conditions, NGO visits to prisons and prisoner education and training.

62. In recognition of the need for the whole population to be involved in such a vast undertaking, a national human rights education programme was to be included in school curricula as from the new school year. A project for journalists, promoting human rights through the broadcast and printed media, was also under way. Lastly, as part of the plan to promote human rights among government and non-government actors, a Human Rights Documentation, Training and Information Centre, established in cooperation with Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), was to open in April 2000.

63. With regard to Western Sahara, his Government reiterated that no referendum could be organized without the participation of all the peoples originating from the region, without discrimination or exclusion. It was convinced of the justice of its case for territorial integrity and would cooperate constructively and in good faith with the United Nations.

64. His Government was deeply concerned at the human rights violations in the Tindouf camps: according to witnesses, Moroccans had been forcibly detained and were subjected to torture, forced labour and the denial of their most basic human rights, including the right to freedom of movement. The Government of Morocco therefore called upon the international community to investigate the inhuman, humiliating and degrading conditions in those camps.

65. Immigration was another major concern of his Government, in a context of the social repercussions of globalization and the world economic upheavals that seemed to go hand in hand with a wave of racism and xenophobia. The recent events in southern Spain, which had primarily affected Moroccan immigrants, should serve as a warning that efforts were needed to prevent the marginalization of immigrants and the violation of their rights.

66. For countries of the South, participation in the changes currently taking place around the world represented an enormous challenge. Morocco's debt burden swallowed one third of its gross domestic product (GDP), yet structural adjustment and fierce global competition obliged it

to pursue sustainable development, without which it would be impossible to guarantee the enjoyment of economic and social rights in a society 65 per cent of whose members were under 30 years of age.

67. His Government paid tribute to the work of human rights defenders and hoped it would be possible to guarantee them the protection they needed in order to carry out that work. It was to be hoped that the new century would usher in a new phase in which the battle for sustainable development, justice, social equity and peace would be won.

STATEMENT BY THE UNDER-SECRETARY FOR FOREIGN AFFAIRS OF MEXICO

68. Ms. MORENO (Mexico) said that the democratic process in her country was irreversible. The profound political changes that had occurred there had strengthened respect for human rights. Legal and institutional frameworks had been put in place at the federal and local levels so as to guarantee full respect for and enjoyment of human rights. Numerous international instruments had been ratified, reservations withdrawn and the jurisdiction of the Inter-American Court of Human Rights recognized. Full autonomy had been granted to the National Human Rights Commission and measures had been taken to strengthen the judiciary's independence, impartiality and professional status. Mexico had complied with the recommendation made in the Vienna Programme of Action by adopting the National Programme to Promote and Strengthen Human Rights, which sought to establish a culture of respect for human rights, consolidate mechanisms for their protection and continue measures to eliminate impunity.

69. One of the major challenges in her country was to guarantee the human rights of the indigenous population. Indigenous people formed part of Mexican society and were not confined to reservations. In that connection, extensive reforms had been made to the legal framework, with a view to protecting human rights and acknowledging the wide variety of languages, cultures, uses and customs. Her Government was in favour of the establishment of a permanent forum for indigenous people in the United Nations system and hoped that the Commission would see to it. It also supported the draft United Nations declaration on the rights of indigenous peoples. The Government's priority in the Chiapas had been to achieve a dignified and fair peace through dialogue and negotiation. The State of Chiapas had been allocated the highest amount for social development of all the federated states.

70. In November 1999, Mexico had been pleased to receive a visit from the High Commissioner for Human Rights. That visit, and the many others paid by such United Nations visitors as special rapporteurs and chairpersons of working groups, demonstrated her country's commitment to cooperation with United Nations human rights mechanisms.

71. Mexico had, indeed, helped to strengthen such mechanisms: at its last session, the Commission had adopted her delegation's proposal to appoint a special rapporteur on the human rights of migrants. At the current session, the delegation intended to submit a draft resolution designed to promote ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

72. As the main United Nations body for the promotion and protection of human rights, the Commission must improve the efficiency of its mechanisms and increase the cooperation of Governments. She urged the Commission to formulate recommendations to improve its own effectiveness and that of all the other human rights bodies.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF ITALY

73. Mr. PALUMBO (Italy) said that the protection of human rights must be based on and developed through a dialogue between individual countries and the international community. Such dialogue must also become a means of verifying the progress made in promoting and safeguarding human rights in each country. The international community must support countries which had demonstrated a commitment to human rights at the national level: countries often needed help in appreciating the need to move towards models agreed upon by the international community.

74. Refusal to engage in dialogue and rejection of the jurisdiction of the Commission must not be allowed to pass unheeded. In the past, when warnings of human rights violations had been ignored, the international community had been forced to become an impotent witness of massacres and genocide such as those that had taken place in Bosnia, Kosovo and many other places. In such cases, the international community must intervene to ensure that human rights were safeguarded. His Government was closely involved in the debate on mechanism review, which it hoped would end the powerlessness of the international community in the face of repeated and systematic violations of human rights.

75. The issue of the death penalty was particularly relevant to any discussion of fundamental human rights. His country had been a pioneer in the fight against that penalty and he was gratified to note that the number of countries where it was no longer imposed was rising. It must be borne in mind that all initiatives relating to the death penalty were linked directly to the first and most basic of all human rights, namely, the right to life.

76. He had noted with satisfaction the positive outcome of the negotiations on the two draft optional protocols to the Convention on the Rights of the Child, namely, the draft optional protocol on involvement of children in armed conflicts and the draft optional protocol on the prevention of the sale of children, child prostitution and child pornography. He hoped that work on the draft optional protocol to the Convention against Torture would be rapidly concluded.

77. Italy had demonstrated its respect for the rights of minority groups and populations by the reception it had given to refugees from the former Yugoslavia, Kurdistan, Kosovo and Albania. Immigrants were well integrated into Italian society, but it was important that continued respect be shown for the cultures and traditions of all immigrants and refugees, in order to allow them to rebuild their social relations in civilized conditions. The European regional conference in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide the opportunity to consider those distressing problems, and for European societies to reflect upon and update their forms of civil protection.

78. By placing the human being at the centre of the development process, the Copenhagen Summit had recognized human rights as a fundamental component of social development. When dealing with the right to development and development aid, the idea of establishing a vast worldwide solidarity plan should not be neglected. Such a plan would make it possible to overcome narrow national interests. A climate of mutual trust and cooperation between States must therefore be encouraged.

79. His delegation had on numerous occasions proposed that a United Nations international human rights tribunal be established. Such a tribunal would help to bridge the gap between international and regional human rights instruments. His Government believed that the establishment of a procedure by which individuals could file complaints was necessary in order to complete the system of human rights protection. Governments must, of course, be able to choose freely whether or not to submit to the jurisdiction of the tribunal. In view of the amount of support expressed for the proposal, he was convinced that the idea should be more thoroughly examined.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LUXEMBOURG

80. Ms. POLFER (Luxembourg), having endorsed the statement made by the representative of Portugal on behalf of the European Union, said that the protection of human rights was not the exclusive preserve of States, as the growing number of NGOs participating in the Commission demonstrated. Those who worked for human rights were often at risk and the Commission must therefore continue to work for the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The responsibility for ensuring respect for human rights lay, individually and collectively, with States.

81. She expressed concern about the sufferings endured by the peoples of Chechnya and the serious violations of their rights. She welcomed the fact that the Russian authorities had agreed to invite the High Commissioner to visit the region and trusted that the High Commissioner would be able to submit a report to the Commission at its current session. Whatever the complexities of the situation, it was inadmissible for the military to attack civilian populations on the pretext of re-establishing order or combating terrorism. She therefore appealed to the Russian authorities to permit the entry of international observers and the media; to enable the international humanitarian organizations to attend to the immediate needs of the population, refugees and displaced persons and restore decent living conditions in the area; and to identify those responsible for serious violations of human rights and international humanitarian law, with a view to putting them on trial.

82. It would be a mistake to tolerate the emergence of areas where the rule of law did not prevail. There was no future in such a policy. The experience of the International Tribunals for Rwanda and the former Yugoslavia showed that a society needed to see justice done if it was to recover and rebuild itself. She hoped that, in Kosovo also, attitudes would change and would lead to the re-establishment of peace, with the backing of the international community.

83. Dialogue conducted in a spirit of humility was an essential component of the culture of peace for which the new century should strive. Her Government continued to attach great

importance to the critical dialogue which had been going on since 1997 between the European Union and China and hoped that a similar dialogue with Iran would shortly begin. Such dialogue was not an end in itself; it also comprised technical assistance and must be constantly reassessed. Some differences of opinion - for example, on freedom of opinion - remained.

84. The Commission had witnessed the reversal of some seemingly hopeless situations, such as the victory over apartheid. She was sure that eventually the death penalty would be abolished. Her country actively supported the European Union initiative in that regard.

85. She was hopeful that the preparation of the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would be successfully concluded during the current session.

86. Human rights required constant vigilance. The sudden, massive influx of refugees into Luxembourg from the Balkans in 1999 had sparked off a national debate on the country's capacity to receive them and its international commitments on asylum. That had led to the implementation of legislative reform to improve asylum procedures and shown the need for an advisory body to deal with human rights. An independent advisory commission was therefore to be established to ensure that human rights were respected by State organs. In addition, the duties of the Minister of Cooperation for Development had been extended to humanitarian activities.

87. The priority was still to combat extreme poverty: the partnership for development currently received 0.7 per cent of the country's GDP, but her Government's aim was to reach 1 per cent by the end of its term of office.

The meeting rose at 12.55 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 March 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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GE.00-11862 (E)

STATEMENT BY MR ABDULKADER BAJAMMAL, DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF YEMEN

ORGANIZATION OF THE WORK OF THE SESSION (continued)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (continued)

The meeting was called to order at 3 10 p m

STATEMENT BY MR JOSCHKA FISCHER, MINISTER FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY

1 Mr FISCHER (Germany) recalled that universal rights were inalienable and could not be weighed up against other foreign policy considerations, for example, commercial aims Only the protection of human rights and the rule of law could guarantee stability and peace They were also crucial requirements for sustainable development

2 Human rights violations were no longer tolerated as the unavoidable cost of stabilizing a bipolar world No State could any longer take advantage of the doctrine of non-interference or hide behind the principle of sovereignty in order to violate human rights The key result of the previous year's debate in the United Nations General Assembly was that States' rights no longer took absolute precedence over human rights The indictments against Pinochet and Milosevic were milestones on the path to the international rule of law Dictators and violators of human rights could no longer rely on never being brought to account

3 The Kosovo conflict had been an important turning point The international community had indeed shown that it was no longer willing to accept the use of terror and expulsion as political tools However, the steps taken in that case, which were legitimate given the circumstances, must not set a precedent for undermining the Security Council's monopoly on authorizing the legal use of force

4 The past year had also shown that the enforcement of human rights had its limits The war in Chechnya had seen massive violations of those rights on both sides, with no means of influencing the parties Germany recognized Russia's right to defend its territorial integrity, but could not accept the massive, continued and indiscriminate use of military force The brutality against the civilian population was incompatible with international and European humanitarian standards Germany demanded that Russia suspend military action and seriously seek a political solution, grant unhindered access to foreign aid agencies and international observers, respect human rights in Chechnya and uncompromisingly investigate human rights violations

5 Even if there were occasional positive developments in respect for human rights around the world, one had to admit that violations of elementary human rights remained the order of the day and in some countries, like North Korea, the Democratic Republic of the Congo, Sierra Leone and Myanmar, they had even increased dramatically

6 In the People's Republic of China, while the economic situation was improving, that of human rights had not developed at all positively The persecution of political dissidents, members of Falun Gong, Christian groups and ethnic minorities, primarily Tibetans and Uighur, had again increased in the past year More people were executed by China than by all other States of the world together

7 The Federal Republic of Germany called on China to put an end to the persecution of political dissidents, to release those imprisoned for their political and religious convictions, to abolish the death penalty and other practices contrary to the rule of law, to grant religious

freedoms, bringing an end in particular to the suppression of Tibetan culture and religion, to begin a dialogue with the Dalai Lama and to deal with the issues between Beijing and Taipei peacefully and constructively.

8. Five points would be of particular importance in the current year. First, it was essential to recognize the universality of human rights. On each continent and in every culture, the idea of those rights derived from varying historical, social, religious and philosophical backgrounds. Despite that diversity, the Universal Declaration of Human Rights had established universally valid rights and any attempt to limit or relativize that fundamental principle must be vigorously repudiated.

9. Secondly, the rule of law must be further extended. He called on all States rapidly to sign and ratify the Statute of the International Criminal Court, so that it could begin its work as soon as possible. In addition, the death penalty must be abolished all over the world.

10. A top priority for Germany was the swift adoption of the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. In another area, that of the press, practical means must be found to improve the legal protection of journalists.

11. Thirdly, the protection of human rights was closely linked to democracy and the rule of law; it could only be envisaged over the long term in an environment marked by recognition of the dignity and equality of all before the law, in other words, in a democratic society based on the rule of law. Germany and the European Union intended to continue to promote and disseminate those values, which could not be described as just "Western". It was commendable that those topics would be the focus of two important conferences during the year, in Warsaw and Cotonou.

12. Germany also viewed as crucial the question of the protection of human rights activists, who did their work at great personal risk and sacrifice. The Commission should implement a mechanism to ease their working conditions.

13. Fourthly, the implementation of human rights presupposed that multilateral organs, above all the United Nations Security Council, were able to act. That had not been the case during the Rwanda and Kosovo conflicts, with catastrophic consequences for the peoples concerned. Those examples provided an incentive for a reform of the Security Council. That reform, long overdue, must include an increase in the number of permanent and non-permanent members and a strengthening of decision-making mechanisms.

14. Fifthly, there were unfortunately many indications that globalization had further deepened the divide between rich and poorer countries. It was necessary to give new shape to globalization, injecting it with universally valid values and codes of behaviour focused on the individual and not the market. Kofi Annan's courageous Davos initiative for a "global compact", taking all human rights into account, was firmly supported by the German delegation. Furthermore, the international financial institutions, the development agencies, the media and civil society must be harnessed to efforts to promote human rights, including, of course,

economic, social and cultural rights In that connection, he asked for the cooperation of all delegations on the resolution on economic, social and cultural rights, sponsored the current year by Germany

STATEMENT BY MS ANNA LINDH, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

15 Ms LINDH (Sweden) stressed that there was no contradiction between development and human rights and that attacking poverty was a crucial contribution to promoting those rights That was also why international solidarity was needed when a country was wrecked by disaster, as Mozambique had been recently Sweden welcomed the fact that United Nations organs and agencies, as well as the World Bank, currently ensured the promotion of both civil and political rights and economic, social and cultural rights

16 Too many children were still denied a future Sweden welcomed the fact that the Working Group on an optional protocol concerning child soldiers had agreed on establishing an 18-year age limit for recruitment Sweden continued to pay particular attention to the rights of women and to denounce discrimination against them Hundreds of thousands of women were victims of violence, including rape, in times of armed conflict Moreover, further efforts needed to be made to eliminate discrimination against persons with disabilities and to better protect minorities and indigenous people The treatment of the Roma minority in several European countries was shameful

17 The Commission on Human Rights could not stop wars, but it could analyse and act against the factors that underlay them Kosovo, which had been at the centre of attention at the Commission's previous session, sadly remained a major preoccupation The situation in Chechnya was appalling and Russia must take immediate steps towards political dialogue and a peaceful solution Investigations must be launched into alleged violations of human rights and international humanitarian law with a view to bringing those responsible to justice No one responsible for human rights violations should be able to escape, impunity belonged to the past The proceedings against former President Pinochet, even though not concluded, were an important precedent United Nations Secretary-General Kofi Annan had reminded Governments that none had the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its people The Swedish Government strongly supported that fundamental principle

18 The Commission should express condemnation, when necessary, but should equally suggest ways for dialogue That did not imply imposing Western values, but ensuring respect for the human rights that were codified in international law and were universally binding On that basis, the international community must react strongly against President Lukashenko's measures to silence the opposition in Belarus

19 For many years Sweden and China had been engaged in dialogue and cooperation Sweden had organized training in the human rights field in China and stood prepared to deepen that cooperation China was reforming its legal system in a number of respects However, restrictions continued to be imposed on fundamental freedoms, particularly of those who

expressed views different from the official thinking. In Tibet, the situation regarding freedom of religion had deteriorated further. The high number of death sentences carried out in China were unacceptable, as were the press censorship and restrictions on the use of the Internet.

20. Respect for human rights was an essential criterion for membership of the European Union. While Turkey, a candidate country, had taken steps to improve its human rights situation, much remained to be done, especially where the Kurdish population was concerned.

21. The abolition of the death penalty was a priority for the Swedish Government. It was ironic that the most fundamental human right, the right to life, had yet to be fully recognized in international law and that, though restricted, the death penalty was still not unlawful. That brutal and irrevocable form of punishment had no place in modern society. It was of concern that 37 States of the United States continued to impose the death penalty and 94 persons had been executed there since the Commission's previous session. Even if the struggle for human rights might seem endless, it was essential for every generation, mindful of what had been achieved and the situations it confronted, to bear its responsibility for enhancing human rights, democracy and peace.

STATEMENT BY MR. ABDULKADER BAJAMMAL, DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF YEMEN

22. Mr. BAJAMMAL (Yemen) said that the century that had just ended had witnessed great tragedies. Still, what aroused hope and optimism was that the forces seeking peace among peoples had become increasingly influential.

23. In Yemen the authorities had translated the commitments made the previous year before the Commission into actual programmes, endeavouring to make the non-governmental organizations (NGOs) their partners in all activities. First, the democratic process had been consolidated by a free and direct presidential election held the previous September. The candidates had campaigned all around the country and Mr. Ali Abdullah Saleh had been elected President of the Republic with 96.3 per cent of the vote. In addition, after a broad-ranging debate among all political and cultural forces, a law on local authorities had been enacted. Local council elections were to be held within a year in accordance with that law. The law on general elections was currently before the House of Representatives for updating and to ensure greater democracy and popular participation.

24. Secondly, a Supreme National Committee for Human Rights had been formed. That independent body, composed of 30 personalities representing intellectual and professional trends and including women, reflected the diversity of the Yemeni people. It had held a first session and worked out a programme of action. The establishment of a human rights fund, financed both by the State and the private sector, had been announced. Its initial capital was US$ 1.5 million and it was managed jointly by the State and NGOs. The Fund had sponsored several activities, such as assistance to insolvent detainees required to pay damages, the construction of a women's prison providing a rehabilitation programme, and the creation of an establishment for adolescents.

25. The National Committee had taken part with NGOs in sponsoring several human rights activities, including a symposium, organized with the newspaper Yemen Times, to commemorate the fifty-first anniversary of the Universal Declaration of Human Rights. In cooperation with the Yemeni journalists' syndicate, it had organized a seminar on journalism and human rights. Through publications issued jointly with NGOs the Committee had been supporting the protection of the rights of the press and, again with NGOs, it had participated in activities to raise the awareness of human rights.

26. A training cycle for judicial review commissioners was under way and so far had been held in 15 governorates. Its purpose was to increase knowledge of laws and regulations, particularly in the human rights field.

27. Thirdly, where regional and international cooperation on human rights was concerned, he stated that in June 1999 the Republic of Yemen had, in collaboration with the National Democratic Institute for International Affairs (NDI), hosted the "New Democracies Forum". Sixteen States had taken part in the Forum and had adopted the important Sana'a Declaration. In February 2000 a regional symposium on economic and social rights and the right to development had been held in Sana'a under the aegis of the Office of the United Nations High Commissioner for Human Rights. Mrs. Mary Robinson's visit to Yemen had been fruitful and had led to the signing of an agreement of understanding on the implementation of a human rights technical assistance programme in Yemen.

28. Regarding a procedure for receiving complaints, the National Committee was involved in setting up a mechanism to deal with reports received locally or through regional and international organizations. Following a reform of the judicial system, the courts had become more efficient and independent. It remained to find a means of integrating the complaints mechanism into the normal administration of justice.

29. In conclusion, he thanked the Office of the High Commissioner for Human Rights for the constructive assistance given to the Republic of Yemen, which had strengthened the determination of the Yemeni authorities to join the new democracies and continue their action for better protection of human rights. As President Ali Abdullah Saleh had already announced, Yemen would be prepared to host the International Conference of New and Restored Democracies to be held in Asia in 2003.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2000/112)

30. The CHAIRMAN recalled that the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission had adopted its report (E/CN.4/2000/112) by consensus in February 2000 and had recommended that the report be considered at the earliest appropriate time at the fifty-sixth session of the Commission and, if acceptable, approved in its entirety through a single decision. The report should properly be considered under agenda item 20, "Rationalization of the work of the Commission", but since the recommendations of the Working Group would have implications for the deliberations of the current session, after consultations with the regional groups, it had been agreed that, pending consideration and adoption of the report under item 20, all the business of the session would be consistent with

both the content and spirit of the report. He advised delegations to refrain from entering into detailed discussion of the report before the consideration of item 20, because it would not be possible to implement the recommendations of the report before it had formally been adopted under that item. Until then, when reference to the matter was required, it could be limited to the following: "On the issue of ... the Commission is referred to the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112), which will be considered and approved under item 20". With a view to the adoption of the report by a single decision, he would, as soon as possible, in conjunction with the regional coordinators, prepare a text that would explain exactly which recommendations would be implemented during the current session and which would have to be carried over to the fifty-seventh session or put to the Economic and Social Council for endorsement.

31 Mr. RODRIGUEZ CEDEÑO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean Countries, endorsed the procedure just outlined by the Chairman.

32 Mr. AYEMOH (Nigeria), Coordinator of the Group of African Countries, said that the report of the Working Group represented a consensus the merit of which was in part due to the Chairman of the fifty-fifth session. The African Group unreservedly supported what the current Chairman had said and hoped that the delicate balance achieved in the report would be respected and the report win consensus in the Commission.

33 Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), Coordinator of the Group of Western Countries, also supported the Chairman's statement. It recognized the importance of the consensus reached in the Working Group and committed delegations to refrain from reopening the difficult issues dealt with in the report. It was the Commission's duty to adopt the report at the current session, in the manner set forth by the Chairman. As Coordinator of the Western Group, the United Kingdom delegation intended to work to ensure that early agreement was reached on a draft decision on agenda item 20.

34 Mr. SOMOL (Czech Republic), speaking on behalf of the Group of Central and East European Countries, approved the statement by the Chairman on how to deal with the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission. He welcomed the fact that the Group had reached a consensus, thanks to the spirit of cooperation among the regional groups and the competence of the outgoing Chairman. The Group of Central and East European Countries expressed its support for the procedure proposed by the Chairman.

35 Mr. WIRAJUDA (Indonesia), speaking on behalf of the Group of Asian Countries, thanked the Chairman for holding consultations to obtain a result acceptable to all. The Asian Group reaffirmed that the recommendations of the Working Group should be implemented in accordance with legislative procedures, avoiding legal complications. The Commission should take some time to reflect and consolidate the gains accruing from the consensus in the Working Group. The Chairman's statement clearly demonstrated that consensus was possible and the Asian Group endorsed it.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2000/13, E/CN.4/2000/14 and Corr.1, E/CN.4/2000/NGO/66, 67 and 68)

36. Mr. QIAO ZONGHUI (China) said that all peoples had the right to self-determination and that no country could interfere in the internal affairs of another by force, through economic sanctions or armed invasion. The international community should protect the principle of self-determination, which was elaborated in Articles 1 and 55 of the Charter of the United Nations and reiterated in many international decisions and documents. However, certain individuals flouted that principle, openly advocating separatism vis-à-vis sovereign States on the pretext of protecting human rights and self-determination. That wilful trampling on the Charter and the principles of international law must be condemned by all the peoples of the world.

37. In the Middle East, the key to peace and stability lay in restoring the rights of the Palestinian people, including its right to self-determination and to a just solution of the Palestinian question. It had to be hoped that the parties concerned would adopt a flexible and pragmatic approach, so as to promote progress in the Middle East peace process on the basis of the United Nations resolutions and the agreements existing between them.

38. Mr. SUTOYO (Indonesia) noted that the human rights situation in the occupied Arab territories, including Palestine, was slowly improving, despite the flagrant violations committed by the Israeli Government, as could be seen from document E/CN.4/2000/22/Add.1, submitted by the Arab League. Real, albeit too slow, progress was under way, for example in the form of withdrawals from the West Bank. The deadlines for those withdrawals had not been respected and the difficulties that had arisen might lead to more violence. Many of the good intentions proclaimed had not actually materialized. All the parties should therefore be urged to return to the negotiating table and act decisively. The resumption of talks in Washington and the forthcoming meetings between Presidents Bill Clinton and Hafez El Assad should reinforce the impetus of the peace process.

39. For its part, the United Nations must insist on the unconditional withdrawal of Israeli forces from all occupied Palestinian and Arab territories, in accordance with Security Council resolutions. The question of human rights violations in those territories and the Palestinian people's right to self-determination must remain a priority concern for the Commission.

40. The Government and the people of Indonesia reiterated their support for the Palestinian people and reaffirmed its right to a State and a homeland as part of a comprehensive, just and durable peace settlement in the Middle East.

41. Mr. AKRAM (Pakistan) said he saw no contradiction between the right to self-determination and the principle of the territorial integrity of States, the two principles being mutually reinforcing in a genuine democracy. A democracy that was shy of allowing a people to exercise the right to self-determination was a contradiction in terms. That was the case of India which, despite Security Council resolutions 47 (1948) and 80 (1950) providing for a plebiscite in Kashmir under the auspices of the United Nations, was still refusing the Kashmiris their right to express their will freely and democratically. Every so-called election held by India in

Jammu and Kashmir had been a farce, marked by massive coercion and corruption. The Security Council had recognized that those sham elections did not replace a plebiscite sponsored by the United Nations. Not only had India met every negotiating proposal from Pakistan with hostility, it had escalated its repression in Kashmir, threatened Pakistan and vetoed offers of mediation from all quarters. While certain major Powers had shied away from pressing India to accept dialogue, the Commission on Human Rights could not divest itself of its responsibility to respond to the gross and consistent violations of human rights in Jammu and Kashmir. If it remained silent about the suffering of the Kashmiri people, the Commission would be justifying the perception that international intervention was selective and biased, that where repression was visited on Muslims human rights bodies were silent or indifferent. The Commission must urge India to halt the massacres in Indian-held Kashmir. India must release all Kashmiri leaders in detention, it must allow humanitarian assistance to Kashmir, the stationing of human rights monitors in the region and the continued presence of international human rights organizations in Kashmir, and it must remove its military detachments from Kashmiri towns and villages and halt the crackdowns against their inhabitants. Ultimately India would have to fulfil its promise to hold a free and fair plebiscite in Jammu and Kashmir under United Nations auspices in accordance with the relevant Security Council resolutions.

42. Mr. NSEIR (Syrian Arab Republic) noted that respect for the right to self-determination underpinned the exercise of all the other human rights. The hegemonistic and expansionist policy waged by Israel for more than 50 years was depriving the Palestinian people of that essential right. All kinds of violence and repression were being used against that people to prevent it from exercising its right freely to choose its destiny. Far from respecting that right, Israel described as terrorists those who were fighting to ensure its triumph and the end of the occupation. But everyone knew that terrorism was just that: occupation by force and a refusal to respect the law. Resistance was a right and those who resisted could not be called terrorists.

43. Mr. BALLESTEROS (Special Rapporteur), presenting his report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2000/14), stated that he had visited the United Kingdom on mission to gather information on private military security companies that might become involved in armed conflicts by recruiting mercenaries. He had also undertaken various activities in Geneva in the discharge of his mandate and, in September 1999, had visited Cuba at the invitation of the Government of that country. The basic purpose of that visit had been to investigate terrorist attacks on hotels and other tourist facilities in Havana committed by mercenary agents during 1997. The Special Rapporteur had conducted private interviews, without witnesses, of those responsible for the attacks, namely Raúl Ernesto Cruz León and Otto René Rodriguez Llenera, both of Salvadoran nationality. The two accused men had admitted being recruited by persons living outside Cuba who had paid them money to carry out the attacks. The Special Rapporteur had also interviewed Guatemalan nationals who had been offered considerable sums of money to place explosives in Cuban tourist facilities.

44. It appeared from the investigation that the attacks had been terrorist acts that were part of a vast plan conceived outside Cuba with the aim of disrupting Cuban tourism and thus hindering Cuban economic recovery. In that particular case, an assessment of the material damage was of

little importance, because what was impossible to measure was the harm caused to a country by the attempt to create, on an international scale, a climate of fear that would isolate it and mark it as unsafe.

45. The acts described in the report, which had caused the death of an Italian national and created panic and insecurity in Cuba, constituted an infringement of the fundamental rights of the Cuban people. They were also mercenary activities, criminal responsibility for which was not confined to the actual perpetrators of the crimes. For mercenaries were not only those who carried out the attacks, but also those who recruited, trained and financed them. He wondered whether the latter had acted exclusively on their own account or on behalf of foreign organizations. That was the question that required clarification. Opposition to a government or regime was a recognized political right, but one that could only be exercised by lawful means. The exercise of that right ended where violence and terror began. That was all the more true when such opposition was located outside the national territory and was attempting to assault the Government from abroad, by means of acts of violence that no national or international law authorized or legitimized.

46. Mr. AMAT FORES (Cuba) said that Mr. Ballesteros' report gave irrefutable proof of the terrorist nature of the various attacks carried out in 1997 by mercenaries against tourist facilities in Cuba. Those attacks highlighted the existence of a plan conceived and financed outside Cuba by, among others, Cuban-American agents with links to the famous Fundación Nacional Cubano-Americana, which was in fact more American than Cuban. That organization was known for its terrorist acts and its links with known international criminals such as Orlando Bosh and Luis Posada Carriles. The Cuban authorities had revealed the clandestine and paramilitary structure of the Fundación and the role played in it by a certain Luis Zuñiga Rey, who had been seen in the Commission itself posing as a diplomat from a Central American country.

47. The acts described in Mr. Ballesteros' report were part of the hostile, brutal policy carried out by the United States Government over 40 years to destroy the political, economic and social system freely chosen by the Cuban people in the exercise of its sovereignty and its right to self-determination. That dirty war against Cuba had resulted in the loss of many human lives and the total or partial disablement of more than 2,000 persons and had caused enormous material damage. Certainly, the actual perpetrators of the attacks had been punished, but those who had recruited, trained and financed them were still at large. It was those individuals and the organizations to which they belonged that ought to be unequivocally condemned. He hoped that the Special Rapporteur would pursue his investigations to the limit, including in the countries directly implicated in the attacks. Cuba demanded that, in accordance with international law, those really responsible for the crimes, namely those who had planned and organized them, should be tried by an impartial court or, failing that, be made an example of by extradition for trial and punishment.

48. Mr. PANDITA (African Commission of Health and Human Rights Promoters), referring to document E/CN.4/2000/14, said that the organization he represented endorsed the view of the Special Rapporteur that the exercise of political rights ended where violence and terror began. The Special Rapporteur had got to the root of the problem when he said that violence and terror perverted and delegitimized opposition to a Government and that that was the more true if such opposition was located outside the national territory and was attempting to assault the

Government from abroad by means of acts of violence that no national or international law authorized. The Special Rapporteur had examined in detail the use, in Cuba, of mercenaries to impede the exercise of the right to self-determination. It was to be hoped that he would also go to other regions, notably South Asia, to observe the extent of the phenomenon of the use of mercenaries there and the fact that it sometimes involved Governments and groups that shared a common ideology. The massacre by foreign mercenaries of 35 members of a minority community in the Indian part of Kashmir two days earlier was a case in point. The crucial issue, which the Special Rapporteur had raised but which had not yet been properly discussed, was the following: who were the real culprits, the mercenaries or those who recruited, armed, financed and infiltrated them?

49 Finally, it might occur that an NGO insufficiently informed of the situation on the ground would go to the length of recommending the partition of a country, on the pretext of defending the cause of a small group of dissidents. That constituted an error of perception deriving from a failure to distinguish between peoples suffering colonial or alien domination or foreign occupation and individuals who had exercised their right to self-determination but who were fighting for the full realization of that right.

50 Mr. LITTMAN (Association for World Education) recalled a statement on the question of Palestine made 10 years before in the Commission on Human Rights in which he had suggested the creation of a partnership between Israel, Jordan and the Palestinians, along the lines of what Churchill in 1946 had called the future United States of Europe. In that statement (E/CN.4/2000/NGO/4), he had noted that, just as European integration had had modest beginnings about 50 years before in the European Coal and Steel Community, so in the Middle East water management and other economic measures might give rise to more developed forms of cooperation and integration in the coming decade. He had to emphasize, however, that such a prospect could only become reality if at the same time there was a general movement towards democracy and respect for human rights in all countries of the Middle East. Certain positive signs were appearing on the horizon and a new spirit of cooperation seemed to be emerging in the region.

51 The year 2000, which the Catholic Church had proclaimed as a jubilee year, should be the occasion for Pope John Paul II to pursue the work of purification and ecumenical reconciliation that he had begun 20 years ago. The Association for World Education wished to take that historic opportunity to ask His Holiness, during his pilgrimage to the Holy Land, to obtain the removal of the racist and libellous commemorative stone plaque that was to be found in the Terra Sancta Church in Damascus. The Pope should also authorize historians to consult the Vatican and Capuchin archives on the 1840 event commemorated by the plaque. That symbolic gesture, which it was to be hoped President Hafez El Assad would encourage, would be a way of confirming that Judaism, Christianity and Islam were destined to become true partners in the Middle East peace process.

52 Mr. VAN WALT VAN PRAAG (World View International Foundation) said that the overwhelming majority of the conflicts that took place in the world and that were the subject of debates in the Commission in Geneva centred around the right of peoples to self-determination, a right that States countered by the concept of unity and territorial integrity. Maintaining the unity and territorial integrity of a State should have no other end than that of promoting the peace,

security and well-being of its inhabitants. Such a goal was incompatible with the massacre of civilians and the wholesale destruction of the means of subsistence of an entire people, as was happening in Chechnya, even though the Russian Government had in 1997 recognized the right of the Chechens to self-determination. It was for the Commission on Human Rights to carry out a thorough investigation of the war crimes and crimes against humanity that had been and continued to be committed in Chechnya in the name of the unity and territorial integrity of Russia.

53. The peaceful implementation of the right to self-determination was the key to preventing and resolving conflicts. That was the conclusion reached after five days of discussions by international experts convened in Barcelona by the UNESCO Division of Human Rights and Peace in November 1998. The very broad and very true definition of self-determination given by the experts made it possible to reconcile the preservation of territorial integrity with the yearning of peoples to determine their own destiny. That was what the Government of the People's Republic of China must understand. That Government had a unique opportunity at the current time to resolve peacefully a conflict that had caused suffering to the Tibetan people for almost five decades. The Dalai Lama had made it repeatedly and abundantly clear that he was not calling for Tibetan independence. China's refusal to negotiate terms for real autonomy for Tibet and its determination by all means to crush the Tibetan people's desire for freedom should be clearly and strongly denounced.

54. In other regions of the world peace processes were under way. The Government of Papua New Guinea was engaged in talks with Bougainville; the Government of India was negotiating with the leaders of Nagaland; and the Government of Bangladesh had concluded a peace agreement with the leaders of the Chittagong Hill Tracts. Similarly, the President of Indonesia should be encouraged in his efforts to conduct a dialogue with the Acehnese, the Moluccans and the Papuans.

55. In conclusion, he noted that he had mentioned Tibet in particular because the legitimate struggle of the Tibetan people for self-determination was one of the oldest and because they were one of the few peoples who refused to resort to violence to win the attention and support of the international community. If the Commission could not muster the courage even to debate the issue, the message it would send to all self-determination movements would be that the international community only paid attention when sufficient blood had been shed.

56. Mr. GUERRERO (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) noted that Western Sahara was the only colonized country on the African continent. The inhabitants of the territories occupied by Morocco were the victims of fierce repression, while the referendum on the self-determination of the Saharan people was constantly being postponed. The peace plan of the United Nations and the Organization of African Unity (OAU) was at a complete standstill. To justify the postponement of the referendum it was claimed that the electoral roll drawn up by MINURSO had been the subject of a large number of appeals.

57. The Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos considered that the United Nations guidelines for the appeals procedure were not being followed

correctly. In fact, the great majority of the appeals came from Moroccan citizens who had offered no justification for their demand for inclusion on the electoral rolls. As a result, those demands should be rejected.

58. Certain countries were suggesting a "third way" which should make it possible to avoid a conflict in Western Sahara. Those countries were hiding the fact that the risk of conflict was due to the manoeuvres of Morocco, which was trying to be obstructive, with the consent of the United Nations and the international community.

59. The Federación considered that only a referendum on self-determination, under the auspices of the United Nations and supported by the international community, could resolve the Saharan problem in accordance with both the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 and the OAU Charter.

60. Mr. HAZARIKA (Interfaith International) said that many peoples would like to see their dream of freedom made reality, as the people of East Timor had been able to do recently, thanks to the help of the United Nations. That was true, for example, of the people of Assam, which an accident of decolonization had caused to be attached to India. The Indian authorities refused to recognize the right of Assam to self-determination, even though it was an inalienable right bestowed by the Charter of the United Nations.

61. In that State, human rights activists were the target of the Indian security forces. Torture, disappearances and rape were regular occurrences. One of those human rights activists, Mr. Ananta Kalita, had almost been killed by the police on 18 September 1999. If adopted, the proposed criminal law amendment bill, whose section 4 (1) prevented real discussion between the Government of India and the armed opposition group in Assam, would only make the situation worse.

62. Interfaith International asked the Commission on Human Rights, on the one hand, to take up the question of Assam and the territories of north-east India and help the opposing parties to open a serious discussion on self-determination for those territories and, on the other, to intervene to prevent human rights violations in that region.

63. Ms. RAMADAN (Nord-Sud XXI) recalled that on 18 April 1996 the Israeli occupying forces in southern Lebanon had opened fire on the Qana base of the United Nations Interim Force where over 800 civilians had taken refuge. Over 100 had been killed, half of them children. All the evidence suggested that the massacre had been deliberate. In his preliminary report, Major General Franklin van Kappen, Military Adviser to the Secretary-General of the United Nations, after investigating the incident, had concluded that it was unlikely that the shelling was the result of gross technical error. Nord-Sud XXI asked that General van Kappen's final report at last be made public so that full light could be shed on that massacre.

64. Ms. DEEB (Nord-Sud XXI) said that on 18 April 1996 she had been at the UNIFIL base, where she and the other refugees thought they were safe. Bombs had begun to fall on the base and she had fainted. On recovering consciousness she had found herself surrounded by dead bodies. She herself had lost her right hand and left foot. She added that the Israeli forces had even had the barbarity to bomb the hospital.

65. Mr. ARRAIZA NAVAS (American Association of Jurists) spoke of the population of Vieques, victims of a violation of their fundamental rights. Three-quarters of the island of Vieques near Puerto Rico was occupied by the United States Marines, who practised intensive bombardments there and used pollutants that caused serious illness among the population. The presence of the Marines was prejudicial to the island's economy, since they occupied the most fertile land and the best coastal regions, to the detriment of tourism and fishing. They were even trying to dislodge the population from the island and did not hesitate to have those who opposed them killed.

66. Moreover, the territory served as a base for preparing military attacks against other States of the Caribbean and elsewhere and thus Puerto Rico might become the target of military reprisals. The General Assembly had stressed the fact that Administering Powers had a duty to dismantle their military bases, which were an obstacle to the implementation of resolution 1514 (XV) and to the development of the peoples concerned. The inhabitants of Vieques had since April 1999 been holding demonstrations at the Marines' firing range and had succeeded in interrupting their military manoeuvres for a long time. In September 1999 a Caribbean commission on human rights had observed the existence of serious and gross violations of those rights on Vieques.

67. The President of the United States had made a proposal that did not in any way guarantee the withdrawal of the Marines: a referendum was to be organized by the Marines, with the sole aim of maintaining their presence in Vieques. Civil society in Puerto Rico had categorically rejected the proposed referendum, as well as the continued firing on Vieques.

68. In view of the foregoing, the Association of American Jurists called on all States that had ratified the International Covenant on Civil and Political Rights to have recourse to the procedure set forth in articles 41 and 42 of the Covenant, so that the United Nations Human Rights Committee might exercise its competence in the matter. The Association invited the Committee to request the Government of the United States to include information on the aforementioned facts in the next report it was to present under article 40 of the Covenant. It was intolerable that a people should be made subservient to the military interests of a metropolitan power that violated the elementary principles of territorial integrity and sovereign equality.

69. Mr. SHAUKAT ALI KASHMIRI (European Union of Public Relations) recalled that Kashmir was currently divided among three States, India, Pakistan and China. Neither India nor Pakistan, which controlled the bulk of Kashmiri territory, really envisaged the possibility of the Kashmiri people's choosing independence in the exercise of its right to self-determination.

70. The people of the Northern Areas, who were under Pakistani control, were not treated as either Kashmiris or Pakistanis. The recent elections to the Northern Areas Council had been a farce, for that organ did not wield any real power and voter turnout had been less than 20 per cent. The level of participation in the latest elections in Indian-held Jammu and Kashmir had been no higher. India blamed the absenteeism on threats issued by terrorists manipulated by Pakistan. Surprisingly, both countries claimed that the elections were representative and even implied the exercise by the voters of their right to self-determination.

71. Desirous of preserving its language, culture, traditions and identity, which were under grave threat, the Kashmiri people demanded a real possibility of exercising its right to self-determination.

72. Ms. SHAUMENIAN (International Institute of Peace) said that Afghanistan had been transformed into a colony of Pakistan, which used the Taliban as its proxy. The Taliban had Pakistanis in their ranks and continued to deny the people of Afghanistan the right to determine its own destiny. Minorities were suppressed and the country's resources devoted to opium production. Several investigations had established that the Taliban and Pakistan's military and intelligence establishment were involved in the narcotics trade, which financed Pakistan's subversion against its neighbours, as well as the Taliban armies.

73. In 1947 Pakistan had occupied large parts of the Indian State of Jammu and Kashmir, including the Northern Areas, and it was that region that it had used as a rearward base for its 1999 aggression against India in the Kargil region. It was also in those territories that terrorist organizations like Harkat ul Mujahideen had set up their training camps.

74. All that information came from the Pakistani media and international sources. He wondered whether Pakistan was so unsure of itself that it felt the need to conquer and colonize more territory. As the Pakistani Herald had written in June 1999, "Fifty years after the event the State still feels obliged to define itself through what it is not, the other - India".

75. Mr. QUERESHI (Afro-Asian Peoples' Solidarity Organization) stated that in Pakistan the military dictatorship of a Punjabi-dominated army was oppressing and exploiting the other nationalities in Pakistan, namely the Sindhis, the Mojahirs, the Baluchis and the Seraikis, like a foreign colonial power.

76. The Seraiki nation did not confuse self-determination with secessionism. It was merely asking to be able to exercise its right to self-determination within the nation State. It hoped its voice might be heard, even though it had no guns or bombs.

77. The CHAIRMAN invited States that so wished to exercise their right of reply.

78. Mr. SUNGAR (Observer for Turkey) said he wished to make it clear to the Foreign Minister of Sweden that there was no discrimination whatsoever against any Turkish citizen on the basis of racial, social, religious or ethnic origin. The equality of all citizens before the law was an essential constituent principle of the Republic of Turkey.

79. Citizens of Kurdish origin were not discriminated against on any grounds. They were free to use their own language in public as well as in private and they enjoyed full participation in society and in the political system. They also had the liberty to express their opinions through their own media, in their own language. The Turkish delegation could provide the Foreign Minister of Sweden with the full list of Turkish media printed or broadcast in the Kurdish language.

80. Mr. PRASAD (India) said that his delegation was constrained to respond to the way in which Pakistan had distorted the principle of self-determination in aid of its territorial

aggrandizement. Self-determination was a right applicable to the peoples of non-self-governing colonies and trust territories. Once exercised, that right enabled a whole people freely to choose its own form of government and all segments of society to participate collectively in national decision-making through representative, democratic institutions. The principle of self-determination could not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

81. Pakistan, which was far from being a model of democracy, should ensure the right of self-determination for its own people, rather than sermonizing to others about it.

82. The representative of Pakistan had also accused India of threatening Pakistan and indulging in provocative acts. Regrettably, he had not had the courage to say that the Prime Minister of India had paid a historic visit to Pakistan in February 1999 in a quest for peace. Pakistan's response to that had been aggression in the Kargil area of the Indian State of Jammu and Kashmir.

83. Mr. AKRAM (Pakistan) said he was surprised that India could assert that the Kashmiris had exercised their right to self-determination and had decided freely to become part of India. If that were indeed the case, India would not need to maintain more than half a million soldiers in the region. It was, in fact, a case of State terrorism, reflected notably in the massacre of many Kashmiri civilians.

84. It should also be recalled that India had thrice launched aggression against Pakistan, with the aim of dismembering that country and, in recent months, had repeatedly threatened Pakistan with a new war.

85. To restore peace to Jammu and Kashmir, Pakistan had made concrete proposals to which the representative of India had taken care not to reply.

86. Mr. PRASAD (India) said that, if there was a problem in Kashmir, there was only one reason for it and that was the acts of terrorism being perpetrated there by mercenaries and terrorists sent in and financed by the Government of Pakistan.

87. Mr. AKRAM (Pakistan) said that, in a recently published report, Amnesty International had stated that in Jammu and Kashmir dozens of cases of torture, deaths in detention and extrajudicial executions were reported each year and that all the leaders of the All Party Huriyat Conference were in prison for having called on the electorate to boycott the 1999 elections.

88. On the subject of terrorism, it would be recalled that, in 1971, the Indian secret service had hijacked an aircraft bound for Lahore, attributing the hijacking to the Kashmiri national movement so as to make it look like a terrorist act. It was an established fact that the Indian secret service had carried out many other terrorist acts of that type.

The meeting rose at 6.05 p.m.